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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 26/92  
T.A. NO:

199

DATE OF DECISION

30.6.92

Shri R.N. Udupa

Petitioner

Applicant in person

Advocate for the Petitioners

Versus

General Manager,  
Western Railway  
Bombay.

Respondent

Shri B.M.A. Nair

Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Mr.~~ Ms. Usha Savara, Member (A)

The Hon'ble Mr. J.P. Sharma, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

*Usha Savara*  
(USHA SAVARA)  
MEMBER (A)  
29/6/92

mbm\*

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No.26/92

Shri R.N. Udupa

... Applicant.

V/s.

General Manager,  
Western Railway,  
Bombay.

... Respondent-

CORAM : Hon'ble Ms. Usha Savara, Member(A)  
Hon'ble Shri J.P. Sharma, Member(J)

Appearance

Applicant in person

Mr. P.M.A. Nair for  
the respondents.

JUDGEMENT

Dated: 30.6.92

¶ Per Ms. Usha Savara, Member(A) ¶

This application has been filed with the prayer that the respondents be directed to restore to the applicant the post retirement complimentary passes with immediate effect. The applicant retired from service on 31.12.'87, but continued to retain the quarter till 23.6.'90. The quarter was vacated on 23.6.'90. It is submitted by the applicant that the Railways had recovered rent for the quarter at market rate and damage rent also for part of the period. In the circumstances, it is submitted that there was no cause for the Railways to deprive the applicant of the post retirement passes and same may be allowed.

Shri P.M.A Nair appeared for the respondents. The facts of the case are undisputed; however, it is his case that according to the instructions of the Railway Board, for every month of unauthorised retention of Railway quarter by any retired employee, one set of his post retirement passes will be disallowed.

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Since the applicant has retained the quarter for 23 months unauthorisedly, therefore, the respondents have justification to withhold post retirement passes. It was also mentioned by Shri Nair that the matter has already been adjudicated by the Supreme Court SLP. Civil Suit 7688-91 of 1988 decided on 27.11.'89.

Heard both the parties and perused the judgement cited by the respondents. The point at issue has already been covered by the judgement of the Full Bench in OA 2573 of 89 decided on 25.10.'91, in the case of Wazeer Chand Vs. Union of India. It was held that disallowing one set of post retirement pass for every month of unauthorised retention of quarter is unwarranted as it amounts to punishment. In the case of Raj Pal Wahi and Ors. Vs. Union of India, it was stated by the respondents before the Hon'ble Court that after vacation of the quarter of the petitioner the passes have been released. Shri Nair submitted that the Railway had asked for clarification from the Supreme Court regarding the post retirement passes and matter has yet not been decided. In the case of Bhupendra Singh Vs. Union of India in OA 525/88 decided on 21.12.'90, the same point had been taken up. It was directed by the Tribunal that the respondents issue the post retirement passes as permitted under rules with the clear instructions, that if the clarification sought from Supreme Court goes against the applicant, the post retirement passes now directed to be issued will be deducted from the post retirement passes that he may subsequently be entitled to, if any. Following the above judgement, I direct the respondents to issue to the applicant post retirement passes for self and family as permitted under rules against the 1992 quota

with the clear instructions that if the clarification sought from the Supreme Court goes against the applicant, the post retirement passes now directed to be issued will be deducted from the post-retirement passes that he may be subsequently entitled to, The application is allowed with the above directions. There is no order as to costs.

  
(J.P. SHARMA)  
MEMBER (J)

  
(USHA SAVARA) 30/6/92  
MEMBER (A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY.

Review Petition No.16/93  
in  
Original Application No.26/92.

Ramakrishna N. Udapa,  
9, Tapovan Co-op. Housing Society,  
Plot no.10-8, Sector 15, Nerul,  
NEW BOMBAY - 400 706.

.. Applicant.

Vs.

General Manager,  
Western Railway,  
BOMBAY - 400 020.

.. Respondents.

TRIBUNAL'S ORDER ON REVIEW PETITION  
BY CIRCULARION

Date : 30.3.93

[ Per : Hon'ble Ms. Usha Savara, Member (A) ]

The review petition has been filed by the respondents in O.A.26/92, which was decided on 30.6.1992 with the prayer that the order be reviewed, and the O.A. be restored to file for further hearing. This Review Petition has been filed on 12.2.1993.

2. Ordinarily, no application for review shall be entertained unless it is filed within 30 days from the date of the order of which the review is sought. The Tribunal has the power to condone the delay in the filing of the R.P. where a "sufficient cause" is made out to the satisfaction of the Bench concerned to condone the delay in filing of the R.P. as held by the Full Bench in the case of Nand Lal Nichani & Ors. Vs. Union of India & Ors.(1989) 10 A.T.C., 113. The petitioners before us have given no reason for the delay in filing the R.P. nor have they prayed for condonation of delay, which is over 7 months. In the circumstances, the review petition is barred by limitation

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O.A.26/92.

and is not maintainable.

3. On merits also, the petitioners do not have a case. The prayer is for stay of our order on the ground that the Hon'ble Supreme Court has stayed the order in O.A.2573 of 89, i.e. in the case of Wazeer Chand Vs. Union of India & Ors. decided by the Full Bench. The Hon'ble Supreme Court has merely stayed the implementation of the order, it has not declared the law, which would be binding on all lower and subordinate Courts under Article 141 of the Constitution of India.

4. Lastly, this Review Petition does not fall within the four corners of order XLVII Rule 1 of C.P.C. This Tribunal did not commit any error, when it disposed of the order on 30.6.1992. No ground, therefore, exists for either reviewing or modifying the order.

In view of the above, the Review Petition is rejected.

*I agree.*

*J.P. Sharma*

( J.P. SHARMA )  
MEMBER (J)

*at New Delhi*

*Usha Savara*

( USHA SAVARA )  
MEMBER (A).

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