

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 571/92

199

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DATE OF DECISION 17.7.1992

Shri J.A. Antic

Petitioner

Shri G.S. Walia

Advocate for the Petitioners

Versus

Union of India & Others

Respondent

Shri N.K. Srinivasan

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. T.C. REDDY, MEMBER (J).

The Hon'ble Mr.

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 ?

T. C. Reddy
Member (J).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

O.A.571/92.

Shri J.A. Antic,
retired Chargeman,
Parel Workshop, Western Railway,
Parel, Bombay - 400 013.

.. Applicant.

Vs.

1. Union of India, through
General Manager,
Western Railway, Churchgate,
Bombay - 400 020.
2. Divisional Railway Manager,
Western Railway, Bombay Division,
Bombay Central,
Bombay - 400 008.
3. Chief Workshop Manager,
Parel Workshop, Western
Railway, Parel,
BOMBAY - 400 013.

.. Respondents.

Coram : Hon'ble Shri T.C. Reddy, Member (J).

Appearances:

Shri G.S. Walia, Advocate
for the applicant.

Shri N.K. Srinivasan, Advocate
for the Respondents.

ORAL JUDGMENT :

Dated: 17.7.1992.

[Per : Hon'ble Shri T.C. Reddy, Member (J)]

This application is filed under Section 19
of the Administrative Tribunals' Act to direct the
respondents to issue post retirement passes to the
applicant for the year 1992 onwards.

2. The facts in this O.A. are not in dispute and
may be briefly stated as follows.

3. The applicant retired from the Railway service
as Asstt. Shop Superintendent from Parel Workshop, Western
Railway after attaining the age of superannuation on
31.8.1986.

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4. While the applicant was in service the applicant was allotted Railway Quarter bearing No. 88/5 at Matunga Road, Western Railway Colony, Bombay. 400 019. The applicant is in continuous occupation of quarter even after his retirement. The applicant has got a son by name Shri William J. Antic. He was sharing accommodation alongwith the applicant, in the said quarter that was in the occupation of the applicant. The said William Antic had been appointed in the Western Railway on 3.6.1990 as a Platform Porter. In the month of March, 1991 the said quarter had been regularised in the name of the applicant's son Shri William with effect from April, 1991. The said William Antic is at present working as Ticket Collector.

5. The applicant applied for post-retirement passes on 29.5.1992. The respondent refused to issue the said post retirement passes to the applicant on the ground that the applicant was in unauthorised occupation of the said quarter bearing No.88/5 at Matunga Road, Western Railway quarters. So the present O.A. is filed by the applicant for the relief as already indicated above.

6. This O.A. had come up for admission hearing on 9.6.1992. On 9.6.1992 this Bench had passed interim orders and directed the respondent to issue one set of passes to the applicant for which the applicant had applied on the ground that the quarter in question had already been regularised in the name of his son Shri William J. Antic.

7. Today we have heard Mr.G.S. Walia, Advocate for the applicant and on behalf of the respondents Mr. M.R. Halwai, Chief Clerk, Parel Workshop, Bombay. It is the

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contention of the learned counsel Mr.Walia appearing for the applicant that as the quarter had been regularised in the name of Shri William J. Antic, the applicant's son, it cannot be said that he (Applicant) is in unauthorised occupation of the said Railway Quarter from the month of March, 1991. It is also his contention for the applicant that withholding of the passes is therefore, completely unwarranted.

7. In view of the fact that the said quarter had been regularised and allotted to Shri William J. Antic who is son of the applicant, it is not open for the respondents to contend that the applicant is now in unauthorised occupation of the said quarter. So in view of this position we are of the opinion that withholding of the said passes from now onwards is not valid. Hence appropriate direction to the respondent is liable to be given. Accordingly we direct the respondent to issue post-retirement passes to the applicant in accordance with rules from the current year i.e.1992 and onwards. The current year passes shall be issued as and when the applicant applies for the same. The application is allowed accordingly at the admission stage. Parties shall bear their own costs.

T. Chandrasekhara Reddy

(T. Chandrasekhara Reddy)
Member (J).

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