

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 809/92

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DATE OF DECISION 26.2.93

Shri K.V. Sitaraman Petitioner

Shri S. Natarajan Advocate for the Petitioners

Versus

Union of India & Others Respondent

Shri A.L. Kasturey. Advocate for the Respondent(s)

CORAM:

The Hon'ble Ms. USHA SAVARA, MEMBER (A).

The Hon'ble Shri

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 ?

ND

b. Savarey
26.2.93.
USHA SAVARA
MEMBER (A).

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(5)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

O.A.809/92.

K.V. Sitaraman,
C/o. Shri Hari Parameswaran,
109/110, Samir Apartments,
S.V. Road, Andheri (West),
BOMBAY - 400 058.

.. Applicant.

Vs.

1. Union of India, through
Secretary
Ministry of Railways (Railway Board),
Rail Bhavan, New Delhi - 110 001.

2. The General Manager,
Western Railway,
BOMBAY - 400 020.

3. Divisional Railway Manager,
Bombay Division,
Western Railway, Bombay Central,
BOMBAY - 400 008.

.. Respondents.

Coram : Hon'ble Ms. Usha Savara, Member (A).

Appearances:

1. Mr.S. Natarajan, Counsel
for the applicant.
2. Mr.A.L. Kasturey, Counsel
for the respondents.

ORAL

JUDGMENT:

Date: 26.2.93

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

This application has been filed with the prayer
that the respondents be directed to restore the facility
of post retirement passes to the applicant on his making
an application for it, and also that letter dated 3.2.1992
(Ex.A1) be not be acted upon.

2. As the matter lies in a narrow compass, the
application is being disposed of at the admission stage

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itself. The fact in brief are that the applicant, who was appointed to Railway Service in 1955, retired from service with effect from 31.12.1990. An enquiry had been started in 1987, and as it continued even after his retirement, the applicant did not vacate the quarter allotted to him till 31.1.1992. He was granted ~~permission~~ to retain the quarter till 31.8.1991. The enquiry was completed and the charges against the applicant were dropped on 26.12.1991. He could not have vacated the quarter earlier as he had to be present in Bombay. On the completion of the proceedings, he could shift to Calcutta, which he did at the earliest i.e. 31.1.1992. By letter dated 3.2.1992, the respondents informed him that as he had over stayed five months from 1.9.1991 to 31.1.1992, he had forfeited 5 sets of complimentary passes in terms of the Railway Board's order, and that he would become due for one set of pass in 1994 only. The applicant has challenged this letter in the O.A.

3. The respondents have filed a reply and Shri Kasturey learned Counsel for the respondents, advanced arguments on behalf of the respondents. It was submitted by him that the stopping of ~~post~~ retirement complimentary passes is only for a limited period, directly related to the extent of unauthorised occupation of accommodation. Though the matter was adjudicated upon by the Hon'ble Supreme Court in the ~~case~~ case of Raj Pal Walia & Others decided on 27.11.1989, but certain clarifications have been sought from the Hon'ble Supreme Court which have not been received so far. In view of the fact that the clarification sought by the respondents from the Hon'ble Supreme Court has not yet been received, this Bench of the Tribunal has directed the respondents in

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several cases to issue post-retirement passes as permitted under the Rules, but on the clear understanding that if the clarification sought by the respondents 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 entitled to, subsequently.

4. The Counsel for the applicant submits that the applicant will be satisfied if a similar direction is given to the respondents in his case. I, therefore, direct the respondents to issue to the applicant post-retirement passes for self and family on his making an application for the same on the clear understanding that if the clarification sought by the respondents 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, if any.

5. The O.A. is allowed with the above directions with no order as to costs.

Usha Savara
(USHA SAVARA)
MEMBER (A).

H.