

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 839/92

Transfer Application No:

DATE OF DECISION 28.10.92

SHRI CAMILLO ALEX F. DIAS

Petitioner

SHRI E.K.THOMAS

Advocate for the Petitioners

Versus

THE CHIEF WORKSHOP MANAGER,  
CR, Bombay.

Respondent

Shri J.G.Sawant

Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~XXXX~~ 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 ?

*Usha Savara*  
(USHA SAVARA)  
M/A

NS/

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

ORIGINAL APPLICATION NO: 839/92

SHRI CAMILLO ALEX F. DIAS

... APPLICANT

V/s

THE CHIEF WORKSHOP MANAGER,  
Central Railway Workshop,  
Dr. Ambedkar Road, Parel,  
Bombay - 400012

and ors.

.... Respondents

CORAM : HON'BLE MEMBER USHA SAVARA, MEMBER (A)

Appearance :

Shri E.K. Thomas, Adv.  
for the applicant.

Shri J.G. Sawant, Adv.  
for the respondents.

ORAL JUDGEMENT

DATED: 28.10.1992

(PER : USHA SAVARA, MEMBER (A))

This application has been filed against the order dated 11.7.1992 by which, the applicant has been informed that, as he had not vacated the railway quarter on his retirement and had continued unauthorised occupation of the quarter up to 8.1.1986, therefore in terms of Railway Board's order, his ~~post~~retirement passes had been disallowed at the rate of one set of pass for each month of unauthorised occupation.

It was further stated that he would be eligible for retirement passes after 9.1.1986. (Annexure A-1).



2. These facts are not disputed; that the applicant retired on 31.8.1983 and vacated the Government quarter on 8.1.1986. The respondents have disallowed post-retirement passes at the rate of one set of pass for each month of unauthorised occupation in terms of the Railway Board's circular on this point. The only relief claimed by the applicant is that the facilities of post-retirement free complimentary rail travel passes be restored with immediate effect.

3. I have heard the learned counsel for the applicant and for the respondents. The counsel for the applicant relied upon the FULL BENCH JUDGEMENT in the case of WAZIR CHAND V/s UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF RAILWAYS AND OTHERS decided on 25.10.1990 (ATJ 1991 (1) 60). Shri Sawant, learned counsel for the respondents argued that the Special Leave Petition had been filed on this point before the Hon'ble Supreme Court and a clarification has been sought.

4. In view of the full Bench judgement, I have no hesitation in granting the applicant's requests for restoration of the facilities of post-retirement passes to him prospectively from the date of this order. It was fairly conceded by Shri Thomas, counsel for the applicant that in case the Railway Administration came to the conclusion that the applicant is not entitled to the passes on receipt of the clarification from the

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Hon'ble Supreme Court, then the respondents will be free to adjust them against entitled number of passes according to the decision as may be finally taken regarding the passes. The application is disposed of on the <sup>above</sup> lines. If the clarification sought from the Hon'ble Supreme Court goes against ~~the~~ the applicant, the post-retirement passes now directed to be issued will be deducted from the post-retirement passes that he will be subsequently entitled to, if any.

There will be no order as to costs.

*b. Savara*  
(USHA SAVARA) 30.10.92  
MEMBER(A)

srl

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839  
OA No. 889/92

Dated: 18.2.93

Mr. E K Thomas, counsel for the applicant

Mr. J G Sawant, Counsel for the respondents.

C.P. NO.492/92 was filed by the counsel for the applicant. It is submitted by Mr. Thomas to day that the orders of the Tribunal have been implemented and he is not pressing the C.P. The C.P. No. 492/92 is accordingly disposed of as not pressed.

Order of the Tribunal  
(s) 10/1  
Order of the Tribunal  
18/2/93  
Order of the Tribunal  
18/2/93  
Order of the Tribunal  
18/2/93  
Order of the Tribunal  
18/2/93

*Usha Savara*  
(Ms. Usha Savara)  
M(A)

8/2/93