

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

CIRCUIT SITTING AT NAGPUR

Original Application No: 811/93

Transfer Application No: ---

DATE OF DECISION 16-9-93

Shri J.R.Sood

Petitioner

Mr.D.B.Walthare

Advocate for the Petitioners

Versus

U.O.I. & Ors.

Respondent

Mr.N.Chandurkar

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri/ Ms.Usha Savara, Member(A)

1. whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporter or not ? NO
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 ? NO

(M.S.DESHPANDE)

VC

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CIRCUIT SITTING AT NAGPUR

(B)

O.A.811/93

Shri J.R.Sood  
R/o.Qr.No.14/E,  
Railway Colony,  
Kamptee,  
Nagpur.

.. Applicant

-versus-

1. Union of India  
through  
General Manager,  
South Eastern Railway,  
Garden Reach,  
Calcutta.
2. The Senior Divisional Engineer,  
S.E.Railway, Nagpur.
3. The Divisional Railway Manager,  
S.E.Railway, Nagpur. .. Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman.

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

Appearances:

1. Mr.D.B.Walthare  
Advocate for the  
Applicant.
2. Mr.N.Chandurkar  
Counsel for the  
Respondents.

ORAL JUDGMENT:  
¶Per M.S.Deshpande, V.C.¶

Date:16-9-93

Heard Mr.D.B.Walthare for the applicant  
and Mr.N.Chandurkar for the respondents. Even if  
it is to be assumed in favour of the applicant that  
his compulsory retirement was bad, still he was to  
retire on superannuation on 30-11-91. Under  
clause (12) of Chapter -IX of Post Retirement  
and widow Complimentary Pass, the post retirement  
complimentary pass can be disallowed for every one  
month of unauthorised occupation of Rly.Quarter  
after retirement, and retention sanctioned by the  
Competent authority may be treated as authorised

(W)

retention upto 8 months. Even on the basis of the superannuation though the applicant may even be protected from eviction, the unauthorised occupation would be after 8 months ~~is~~ after superannuation.

2. The respondent ~~was~~ <sup>had</sup> rightly rejected complimentary passes to the applicant. This is in consonance with the Full Bench Judgment in the case of Wazir Chand v. U.O.I, Vol.II Page 287.

3. Application dismissed.

U. Savare  
(USHA SAVARA)  
M(A)

*U.S.*  
(M.S. DESHPANDE)  
V.C.

M

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

CAMP : NAGPUR

(6)

Review Petition No.19/94  
in  
D.A.811/93

J.R.Good

.. Applicant

-versus-

Union of India & Ors. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande  
Vice-Chairman

Hon'ble Shri M.R.Kolhatkar, Member(3)

Appearances:

Applicant in  
person.

TRIBUNAL'S ORDER: Date: 19-4-94  
¶Per M.S.Deshpande, V.C.¶

We have heard the applicant in person and his grievance is about the judgment delivered on 16-9-93. In that case the applicant had sought the relief for directing the respondents to pay the admissible amount of Rs.14,546/- towards the complimentary pass for second set of the year 1992 as the applicant had incurred an amount of Rs.17,400/- + Rs.6,000/- as stated in the application. When the matter came up for hearing before the Tribunal the applicant was represented by learned counsel Mr.D.B.Walthare and the order shows that the applicant though he had challenged compulsory retirement he would have retired on superannuation on 30-11-91, and he could have retained the government quarter only upto eight months. It was observed that even on the basis of the superannuation though the applicant may ~~be~~ even be protected from eviction, the unauthorised occupation would be after eight months after superannuation. It was therefore held that the

R.P.19/94 in O.A.811/93

3. We, therefore, see no merit in the review petition which is dismissed.

*M.R.Kolhatkar*

(M.R.KOLHATKAR)  
Member(A)

*✓*  
(M.S.DESHPANDE)  
Vice-Chairman

M