

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1392/94
Transfer Application No.

Date of Decision : 30.3.95

Ramsamoj Singh

Petitioner

Shri A. Ansari

Advocate for the
Petitioners

Versus

Union of India and others

Respondents

Shri N.K. Srinivasan


Advocate for the
respondents

C O R A M :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to
other Benches of the Tribunal?


(B.S. Hegde)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

5

Original Application No. 1392/94

Ramsamoj Singh.

... Applicant.

V/s.

Union of India through
General Manager, H.Q. Office
Western Railway,
Churchgate,
Bombay.

Divisional Railway Manager
Western Railway,
Divisional Office
Bombay Central
Bombay.

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Appearance

Shri A. Ansari, counsel
for the applicant.

Shri N.K. Srinivasan,
counsel for the
respondents.

ORAL JUDGEMENT

Dated: 30.3.95

¶ Per Shri B.S. Hegde, Member (J) ¶

The applicant was working as Shunting Master. While in service he was allotted a Railway Quarter No. 174/7 at BAMY, Bandra and he retired from railway service on 30.11.83. He has vacated the quarter on 6.3.89.

2. The learned counsel for the applicant stated that the applicant had made requests to the respondents to issue post-retirement passes. He has been informed that since he has not vacated the quarter he is not entitled to the post-retirement passes. However, in view of the interim relief passed by this Tribunal on 20.1.95, directing the respondents to issue post-retirement passes for the year 1994, the respondents

...2...

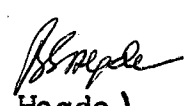
6

have complied with the said order. Accordingly the applicant prays that he may be issued post-retirement passes for the year 1994 onwards.

3. In the reply, the respondents have taken a stand, that as per the Railway Board letter dated 4.6.83 if an employee is in unauthorised occupation of the quarter, post-retirement passes can be disallowed. The learned counsel for the respondents also states that the respondents have sought clarification from the Hon'ble Supreme Court of India in the case of Rajpal Wahi V/s. Union of India, which is still awaited.

4. Considering the arguments of both the parties, I am of the opinion, that the claim of the applicant is justified and in view of the full Bench decision of the Tribunal in the case of Wazir Chand V/s. Union of India and others (1990) wherein the Tribunal held that the Post-retirement passes can be withheld only after the retired Railway servant has been adjudged to be in unauthorised occupation of the Railway quarter. Such a procedure has not been complied with in the instant case. In other words, disallowing of post-retirement passes before such adjudication would not be legally in order.

5. In the facts and circumstances of the case the O.A. is allowed. Accordingly, I direct the respondents to issue post-retirement passes to the applicant from 1995 onwards as the 1994 passes have already been issued pursuant to the direction of the Tribunal. O.A. is disposed of with the above directions. No order as to costs.


(B.S. Hegde)
Member (J)

dt 30-3-95

Order/Judgement despatched
to Applicant/Respondent (s)

18/4/95

8
194