

3

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 276/94

Tribunal's order

Dated: 29.3.94

Shri N.C. Saini, counsel for the applicant.
Shri J.G. Sawant, counsel for the respondents.

Shri Saini was pressing for grant of interim relief by releasing complementary passes for the applicant and his family members for the year 1994 onwards. Shri Sawant in written statement, copy of which is supplied to the applicant has vehemently opposed admission of the case and grant of interim relief on the ground that the cause of action arose in 1987 when it was communicated to the applicant through a show cause notice that 27 sets of the passes were debited and he would be eligible for the complementary passes from 1997 onwards. Shri Saini however produced the documents in which someone has written in manuscript that the applicant has become eligible for grant of complementary passes from 1.1.93. However, this document is not reliable in the sense that it is not known ^{as to} ~~that~~ who has made the note and on what authority and the endorsement was also not addressed to the applicant but it has been made on the application of which is in the possession of the applicant. Keeping in view the number of years which has lapsed before the applicant came to the Tribunal ^{the submissions} ~~which~~ leaves no doubt in my mind that the application is time barred and cannot be entertained.

2. However, ~~after going through the arguments~~ Shri Saini has also pressed for payment of interest on the delayed payment of DCRG payable to him after he had vacated the Railway quarter in 7/85. From the Annexure F it is seen that the payment of balance

49

: 2 :

amount of DCRG after deduction of the market rent was given in 7/87 , after a lapse of more than four years. Shri Saini has also brought to our notice the Full Bench judgement of the Central Administrative Tribunal that the Railway authorities were not entitled to withhold the entire amount of D.C.R.G. There is some merit in this argument. Shri Sawant on behalf of the respondents has assured that he will be able to file a reply within two weeks. The case is therefore adjourned to 21.4.94 for final hearing.

N.K. Verma

(N.K. Verma)
Member (A)

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contd.

are duty bound to hand over the Pass to the applicant on that date. The applicant's counsel is directed to report back to the Tribunal whether the pass has been issued or not, on the next date of hearing.

S.O. to 21/11/1994.

M.R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER (A)

B.S. Hegde
(B.S. HEGDE)
MEMBER (J)

21.11.1994. C.P. NO :- 129/94.

None for the applicant.
Shri S.C. Dhavan proxy for
Shri J.G. Sawant, counsel for the
Respondents.

Shri Dhavan produces a copy of the pass, which is ready for delivery. He also makes a statement that the applicant or his representatives has not collected the pass as on 17.11.1994; till today.

The applicant is at liberty to collect the pass from the office of the Respondents, on any working day during office hours. Subject to this direction, that the C.P. No. 129/94 is discharged.

D.C. Verma
(D.C. VERMA)
MEMBER (J)

M.R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER (A)

21/11/94
Order/Judgement despatched
to Applicant Respondent (s)
on 21/11/94
[Signature]