

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 1063/98.

Date of Decision: 21/1/99

Kashiram T Chougule

Petitioner/s

Shri G.S. Walia

Advocate for the  
Petitioner/s.

v/s.

Union of India & Anr.

Respondent/s

Shri V.S. Masurkar

Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri

(1) To be referred to the Reporter or not? *no*

(2) Whether it needs to be circulated to  
other Benches of the Tribunal? *no*

abp.

*R. G. Vaidyanatha*  
(R.G. VAIDYANATHA)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GULISTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT?

MUMBAI - 400 001.

ORIGINAL APPLICATION NO:1063/98.

DATED THE 21ST JANUARY, 1999.

CORAM:HON'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Kashiram T Chougule,  
Retired Master Craftsman,  
Under Chief signal Inspector,  
Mumbai Division,  
Western Railway,  
Mumbai Central,  
Mumbai-400 008.

... Applicant.

By Advocate Shri G.S.Walia.

V/s.

1. Union of India, through  
General Manager,  
Western Railway,  
Headquarters Office,  
Churchgate,  
Mumbai - 400 020.
2. Divisional Railway Manager,  
Mumbai Division,  
Western Railway,  
Mumbai Central,  
Mumbai - 400 008.

... Respondents.

By Advocate Shri V.S.Masurkar

I O R D E R

X Per Shri R.G.Vaidyanatha, Vice Chairman X

This is an application for direction to the respondents to issue post retirement complimentary passes. Respondents have filed reply. Heard the Learned Counsels appearing on both sides.

2. The applicant who was working as a Master Craftsman retired from Western Railway on 30/6/90. The applicant was occupying quarters allotted by Railway Administration and vacated the quarters on 8/10/93. His case is that respondents have not issued him passes inspite of demands made by him, hence he has approached this Tribunal for the relief mentioned above.

3. Respondents in their reply have opposed granting



of passes on the ground that there was delay on the part of applicant to vacate quarter and still some more amount is due from the applicant towards damage rent.

4. After hearing both the sides, I find that the question is no longer res-integra and is covered by Full Bench <sup>decision</sup> of this Tribunal in the case of Wazirchand v/s. Union of India reported in 1991(1)ATJ 60 where the Full Bench has held that <sup>if</sup> the official has vacated the quarter, the Railway Administration cannot withhold issuing of post retirement passes. In an identical case, a single Bench ~~Member~~ of this Tribunal by order dated 3/9/98 in OA- 1157/97 also granted the relief of issuing relief of complimentary passes since the applicant had vacated the quarters. Therefore, even in this case, I ~~have~~ held that the applicant is entitled to complimentary passes from 1999 and onwards ~~xxx~~ since he has already vacated the quarters.

5. In the result, the application is allowed. Respondents are directed to issue post retirement complimentary passes from the calender year 1999 <sup>and onwards</sup> as and when the applicant applies for the same. In the circumstances of the case, there will be no orders as to costs.

abp.

  
(R. G. VAIDYANATHA)  
VICE CHAIRMAN