

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 158 of 2003

Jabalpur, this the 17th day of March 2003

Hon'ble Shri R.K. Upadhyaya -- Member (Administrative)

S.K. Rai, Son of late Shri
Balram Singh Rai, aged about
60 years, R/o. 226-A, New
Ashoka Garden, Behind Nehru
Middle School, Govindpura,
Bhopal (MP).

... Applicant

(By Advocate - Shri R.L. Gupta)

V e r s u s

1. Union of India, Through
Secretary, Ministry of
Railway Affairs, New Delhi.
2. Divisional Railway Manager,
Central Railway, Bhopal (MP).
3. Station Superintendent,
Central Railway,
Bhopal (MP).
4. Shri Anil Shrivastava,
Senior Clerk, In the Office
of Station Superintendent,
Central Railway, Bhopal (MP).

... Respondents

O R D E R (Oral)

The grievance of the applicant is that inspite of order of D.R.M., Bhopal, dated 29/08/2002 (Annexure A/2), the applicant, who is retired Senior Loco Inspector is not being issued Complimentary Passes.

2. The learned counsel for the applicant stated that, the applicant, his wife and his school going son are entitled to such Complimentary Passes. After the eligibility of the applicant was duly considered by respondent No.2,

order dated 29/08/2002 (Annexure A/2) was issued directing Station Superintendent, Bhopal to issue one set of First Class Pass for 2002 and two sets of Complimentary Pass for 2003. The applicant was not given the passes as per order of D.R.M., Bhopal dated 29/08/2002 (Annexure A/2). Therefore he made representation. Thereafter impugned order dated 13th November 2002 (Annexure A/3) has been issued in which it has been stated that the pass was prepared in the name of the applicant and "has been found intact on the pass book itself". However by impugned order dated 13/11/2002 (Annexure A/3) the applicant has also been informed that proper school certificate in favour of his schooling son has not been submitted. Therefore it has been ordered that "no complimentary pass will be issued to you unless the matter is finally settled".

2.1. The learned counsel of the applicant invited attention to the reply of the applicant addressed to respondent No. 2 as per his representation dated 17/18-11-2002 (Annexure A/4) in which it has been stated that he is being un-necessarily harassed. All the relevant certificates and materials were already placed before the issue of order dated 29/08/2002 (Annexure A/2). The order dated 13/11/2002 (Annexure A/3) is contrary to the factual position and material available on record. Therefore this order should be quashed and the respondent No. 2 and respondent No. 3 be directed to issue the complimentary passes which the applicant is otherwise eligible as per rules.

3. After hearing the learned counsel of the applicant and after perusal of the material available on record, this Tribunal is of the opinion that the order

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dated 13/11/2002 (Annexure A/3) has been issued without appreciating the facts already on record of the respondents. Even if school certificate was not available on record of respondent No. 2 and respondent No. 3 the same has been submitted alongwith letter dated 17/18-11-2002 (Annexure A/4) now. Therefore it was incumbent on the respondents No. 2 and 3 to point out the deficiency in the certificate if any to the applicant before passing order for not issuing the Complimentary Passes to the applicant. It is therefore desirable that respondent No. 2 should get the whole issue enquired and properly settled and issue suitable directions to respondent No. 3 so that a retired employee is not harassed. In the circumstances, the applicant is directed to send a copy of this order within two weeks to respondent No. 2 with a copy to respondent No. 3. In case the applicant complies ^{with} the direction of this Tribunal, the respondent No. 2 is directed to ensure that the applicant is issued the Complimentary passes as per his entitlement. He may issue suitable direction to respondent No. 3 in this respect. He is also directed to inform the applicant of the action taken by him within a period of one month from the date of receipt of the copy of this order. The respondent No. 2 is further directed to see whether any part of the expenses already incurred by the applicant for undertaking journey in absence of the pass which was not given to him for the alleged negligence of the respondent No. 3 is reimbursable or not. He may pass a speaking and reasoned order in this regard under intimation to the applicant within the said period of one month as indicated earlier.

4. In view of the direction in the preceding paragraph, this Original Application is disposed of at the

admission stage itself, without any order as to cost.

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(R.K. UPADHYAYA)
MEMBER (A)

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पृष्ठांकन सं ओ/न्या.....नवलापुर, दि.....

SECRET

- (1) निर्देश : निम्नलिखित प्रश्नों में से एक चुनिए, उत्तर दीजिए।

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(4) The [redacted] [redacted]

सूचना प्रौद्योगिकी विभाग, दिल्ली

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20/3/03

R. L. Gupta ACS

Issued
On 21-3-03
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