

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13114 of 2000

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Durga Ram son of Late Pathalu Ram, Ex-Rakshak, R.P.F. Jhanjharpur, resident of village-Deogan P.S. Kurhani, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The Union of India through Chief Security Officer, Railway Protection Force, N.E. Railway, Gorakhpur.
2. The Chief Security Officer, Railway Protection Force, Gorakhpur, P.O. Gorakhpur, Distt. Gorakhpur. (U.P.)
3. Security Officer, Railway Protection Force, N.E. Railway, Samastipur.
4. Asstt. Security Officer, R.P.F., N.E., Railway, Samastipur.
5. Divisional Security Commissioner, R.P.F., N.E. Railway, Samastipur.
6. Financial Adviser and Chief Accounts Officer, N.E. Railway, Gorakhpur, P.O. & Distt. Gorakhpur. (U.P.)
7. Sr. Div. Accounts Officer, N.E. Rly. Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi
Mr. Ajay Kumar Mishra
For the Respondent/s : Mr. J.P.KARN
Mr. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 07-07-2015

1. This application under Article 226 of the Constitution of India has been filed on 14.12.2000 for a direction to the Respondents to reinstate the petitioner in service of Railway Protection Force with effect from 30.08.1983. Alternatively, the petitioner has sought for a direction for payment of admissible retirement benefits. As per the pleadings in the writ application, by an order dated 01.01.1983, punishment of removal from service was imposed upon the petitioner. It is his case that the petitioner was undergoing treatment because of his mental disorder in hospital at Kanke (Ranchi) and, therefore, he



could not participate in the departmental enquiry initiated against him. The petitioner is said to have filed an appeal against the order of removal dated 14.02.1983, which was dismissed by a Security Officer, Samastipur by an order dated 29.08.1983. The petitioner is said to have preferred a revision petition before the Chief Security Officer, Railway Protection Force, Gorakhpur, who vide order dated 07.03.1984 rejected it.

2. This application having been filed nearly 17 years after the order passed by the Revisional Authority cannot be entertained, on the ground of delay and laches on the part of the petitioner in approaching this Court.

3. I do not find any explanation in the writ application except one statement in paragraph No. 7 that he filed an application before the Ministry of Railways for getting retirement benefits.

4. Learned counsel for the petitioner has submitted that even the admissible retirement benefits are not being paid to the petitioner. Such submissions cannot be entertained for two reasons. Firstly, there is no specific stand as to what are the admissible dues which the petitioner has not been paid and secondly, at such belated stage no relief can be granted. However, in view of the stand taken on behalf of the petitioner that he was suffering from mental disorder, I consider it appropriate to dispose of the writ petition with an observation that if

the petitioner approaches the Chief Security Officer, Railway Protection Force, Gorakhpur raising claim as regards payment of his rightful pensionary benefits, he will consider his case sympathetically.

5. The Court, in the facts and circumstances of the case, observes that if any amount is found payable to the petitioner against any head, the Chief Security Officer shall ensure that it is cleared without any further delay.

6. This application is disposed of accordingly.

(Chakradhari Sharan Singh, J.)

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