

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7938 of 2016

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Vikash Kumar Son of Ranjeet Singh Resident of at Mohalla- Brahmpura,
P.O. MIT Muzaffarpur, PS Brahmpura, Distct Muzaffarpur Presently
secretary of Purvottar Railway Loco handling Sharmik Sahiyog Samiti.

.... Petitioner/s

Versus

1. The Union of India through General Manager, East Central Railway,
Hazipur.
2. The General Manger, East Central Railway Hazipur.
3. The Chief Commercial Manager, East Central Railway Hazipur.
4. The Divisional Railway Manager, Sonepur Division, Sonepur.
5. The Divisional Commercial Manager Sonepur Division Sonepur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
Mr. Lakshman Lal Pandey, Advocate
For the Respondent/s : Mr. Devendra Kumar Sinha, Advocate
Mr. Anil Kumar Sinha, Advocate
Mr. Ramakant Pd. Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 16-05-2016 Heard Mr. Ashok Kumar Mishra, learned counsel for the
petitioner. There is no representation on behalf of the Railways.

The petitioner prays for a direction to the authorities of
respondent Railways, East Central Railway to release the amount
deducted from the respective bills submitted by the petitioner @ 5
per cent each bill in terms of the conditions present at Clause-9 of
the agreement enclosed at Annexure-2 to the writ petition.

Mr. Mishra, learned counsel for the petitioner submits
that the petitioner was allotted the work of loading and unloading



at the loco shed falling within the jurisdiction of East Central Railway, Sonapur in the District of Saran. The period of contract was for three years beginning from 01.1.2003 until 31.12.2005. The grievance of the petitioner is that although the contract period is over and the petitioner has not been found defaulting any of the conditions yet the 5 per cent deducted amount by way of security by the respondent Railway has not been released. Learned counsel has referred to a representation filed by the Labour Union before the Divisional Manager, East Central Railway, Sonapur which reflects a sum of RS. 5,76,354/- have been deducted by the respondent Railways by way of security and which amount has not been returned to the petitioner despite the representation present.

Having heard Mr. Mishra, learned counsel for the petitioner and considering the nature of grievance raised, I deem it fit and proper to dispose of the writ petition with a direction to the Divisional Railway Manager, Sonapur Division, Sonapur or the appropriate authority concerned to consider the grievance of the petitioner as raised in this writ petition and taken note of hereinabove and dispose of the same within three months from the date of receipt / production of a copy of this order.

It goes without saying that in case the claim of the

petitioner is found just and admissible, it should be paid within the period stipulated above. However, in case the same is found inadmissible for whatever reason then it should be disposed of by a speaking order but only after opportunity of hearing to the petitioner.

This writ application is dispose of.

(Jyoti Saran, J)

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