

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15338 of 2015

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1. The Union of India through the General Manager, East Central Railway, Hajipur.
 2. The General Manager (P), East Central Railway, Hajipur.
 3. The Divisional Railway Manager, East Central Railway, Sonapur.
 4. The Divisional Railway Manager, East Central Railway, Sonapur.
 5. The Signal Controller, E.C. Railway, Sonapur.

.... Petitioner/s

Versus

Kishori Devi, wife of Late Arjun Prasad Singh, resident of village - Samsa, Post
Office - Samsa, Police Station - Mansoorchak, District - Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 13-05-2016

The order dated 24.09.2014 passed by the Central Administrative Tribunal, Patna Bench, Patna, in O.A.No. 365 of 2013 is the subject matter of challenge in the present writ petition, whereby the order of recovery to the tune of Rs. 2,01,472/- towards excess payment to the husband of the respondent on account of over stay in service for three years nine months and twelve days, i.e. during 01.01.2006 to September, 2009 was set aside.

As per the petitioner, her husband late Arjun Prasad Singh was an employee of Railway as Helper Khalasi at Barauni.

Her husband was to retire on 31.12.2005 but was forced to retire on 13.10.2009 after over stay in service for a period of three years nine months and twelve days.

The learned Tribunal allowed the Original Application on the ground that the deceased was permitted to continue even though the date of birth was known to the petitioners. Thus, it was a case of re-employment. He retired on 13.10.2009. Therefore, he has been paid wages for the period he has served the petitioners.

We do not find any error in the order passed by the Tribunal. The deceased had worked for the Department and has been paid salary for such period. Maybe, the petitioner was permitted to continue even after the date of his superannuation. That may be on account of mistake or otherwise of the petitioners for which the employee cannot be faulted as it was the responsibility of the employer to retire an employee on due date.

We do not find any error in the order of the learned Tribunal warranting any interference by this Court in the present writ petition. The writ petition is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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