

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17611 of 2012

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1. Union of India through Chairman, the General Manager, East Central Railway, Hajipur, District Vaishali (Bihar)
 2. The Divisional Railway Manager Eastern Central Railway, Danapur, P.O.-Khagaul, District- Patna (Bihar)
 3. The Divisional Railway Manager (Personnel), Eastern Central Railway, Danapur, P.O.- Khagaul, District- Patna (Bihar)
 4. Senior Divisional Mechanical Engineer, Eastern Central Railway, Danapur, P.O.- Khagaul, District- Patna (Bihar)
 5. Senior Divisional Financial Manager, Eastern Central Railway, Danapur, P.O.-Khagaul, District- Patna (Bihar)
 6. Senior Section Engineer (Carriage And Wagon) Eastern Central Railway, Patna

.... Petitioner/s

Versus

Deo Nandan Maharaj, son of Late Narsingh Maharaj Ex. Master Craftsman (Carriage and Wagon) under Senior Section Engineer (Carriage and Wagon), East Central Railway, Patna, (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rishi Raj Sinha, Advocate

For the Respondent/s : Mr. Rudal Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 11-04-2016

Having heard learned counsel for the Railways and the learned counsel for the private contesting respondent, who was the applicant before the Tribunal, we are surprised what is the locus standi of the Railways to file this writ petition. The contesting respondent Sri Deo Nandan Maharaj was the applicant before the Tribunal. His prayer before the Tribunal was that upon his superannuation none of his retiral dues were being paid on a purported



order of Begusarai District Legal Aid and Conciliation Centre which had no legal authority. Apparently, some proceedings were got initiated by the alleged estranged wife of the applicant and a letter written to the Railway Authorities through the said Legal Aid and Conciliation Centre. It is on basis of that, all his retiral dues were withheld. The Tribunal, in our view, has rightly held that the said Legal Aid and Conciliation Centre has no statutory authority to issue any direction to the Railways. No orders had been obtained from any Court. The estranged wife had also not approached the Railways. Thus, in our view, the Tribunal was correct in directing the Railways to pay the retiral dues to the applicant before the Tribunal, without any further delay. It is a matter of regret. Till date the dues have not been cleared in spite of the orders of the Tribunal and in spite of there being no stay order by this Court. We may note that the applicant before the Tribunal had clearly stated that the communication was a forgery and the Railways should not have acted upon the same. This point is established from the fact that even though the Tribunal ordered for payment to be made ignoring the order of the said Legal Aid and Conciliation Centre, if it was a genuine order obtained by the estranged wife of the petitioner, she would have been the first person to come to this Court, but she has neither come to the Railways nor to the Tribunal nor has she come before this Court. It is surprising how

on such flimsy grounds Railways stopped pensionary benefits of its employee, who had otherwise an unblemished service.

We, therefore, dismiss the writ petition with a direction to the Railways to settle the entire retiral dues of respondent, who was the applicant before the Tribunal, within a period of one month from today, failing which the Railways would have to pay interest @ 9 per cent per annum from the date payments were due till the payments are made.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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