

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21721 of 2014

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Jagarnath Jha, Son of Late Raj Kumar Jha, Resident of Village + P.O. - Dhokgari, P.S. - Arrar, District - Madhubani.

.... Petitioner/s

Versus

1. The Union of India, through General Manager, East Central Railway, Hajipur (Bihar).
2. The Chief Security Commissioner-cum Deputy Inspector General, R.P.F. (Hajipur), E.C. Rly, Hajipur.
3. The Financial Advisor and Chief Account Officer, E.C. Rly. Hajipur.
4. The Director General, Railway Protection Force, Rail Bhawan, New Delhi.
5. Senior Divisional Security Commissioner, R.P.F., E.C. Rly., Dhanbad, Jharkhand.
6. Chief Security Officer, R.P.F., E.C. Rly, Mughalsarai (Uttar Pradesh).
7. Inspector-in-charge, R.P.F. Post, E.C. Rly., Baswadih (Jharkhand).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

For the Respondent/s : Mr. Siddhartha Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-05-2016

Heard the parties.

The petitioner, who claims to have superannuated from service on 31.05.2010 from the post of Head Constable of Railway Protection Force of East Central Railway, Hajipur, has filed the present writ petition for grant of the reliefs, as enumerated in paragraph 1 of the writ petition.

This writ petition was filed way back on 18.12.2014 after service of its copy upon the learned counsel for the respondents, but till date no counter affidavit has been filed on behalf of the respondents.

In view of the nature of the grievances raised on behalf of the petitioner in the present writ petition and in view of the fact that no counter has been filed on behalf of the respondents

till date, this Court is of the opinion that, instead of keeping the matter pending before this Court, the interest of justice shall be sub-served, if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent Chief Security Commissioner-cum-Deputy Inspector General, R.P.F. (Hajipur), E.C. Railway, Hajipur (respondent no.2) with all supporting documents and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a fresh comprehensive representation is filed on behalf of the petitioner with a certified copy of the present order within a period of one month from today, then the respondent Chief Security Commissioner-cum-Deputy Inspector General, R.P.F. (Hajipur), E.C. Railway, Hajipur shall be obliged to consider and decide the claims raised on behalf of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the writ petitioner, at an early date, preferably within a period of two months from the date of filing of such representation by the petitioner.

If on consideration of the materials and after hearing the parties, the respondent Chief Security Commissioner-cum-Deputy Inspector General, R.P.F. (Hajipur), E.C. Railway, Hajipur comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential orders shall also be issued for grant of such admissible claims and lawful dues of the petitioner shall be paid without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and it is left to be decided by the competent

authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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