

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9245 of 2015

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Mahendra Narain Singh son of Late Banarsi Singh resident of village- Mahna,
Police Station - Barauni, District- Begusarai.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Petroleum and Natural Gas, Government of India, New Delhi.
2. The Secretary, Department of Petroleum and Natural Gas, Government of India, New Delhi.
3. The Chairman, Indian Oil Corporation Limited, Barauni Refinery Division, Sadique Nagar, J.B. Tito Marg, New Delhi.
4. The Executive Director (H.R.), Indian Oil Corporation Limited, Sadique Nagar, J.B. Tito Marg, New Delhi.
5. The Executive Director, Indian Oil Corporation Limited, P.O. - Barauni Oil Refinery, District - Begusarai.
6. Personnel and Administrative Officer (H.R.), Barauni Refinery, Indian Oil Corporation Limited, Barauni Oil Refinery Begusarai, Bihar.

.... Respondent/s

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For the Petitioner/s	:	Mr Rabi Bhushan Prasad No 1, Advocate
For Union of India	:	Smt Kanak Verma, CGC
For I O C	:	Mr K N Gupta, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 05-02-2018

Heard the counsel for the petitioner and the respondent-
Corporation.

2 The petitioner has approached the Court challenging termination of his Membership from Post Retirement Medical Attendance Scheme (for brevity, *PRMAS*) under the respondent- Corporation. He submits that the same has been done without affording him an opportunity of hearing in the matter and that even though the bills were genuine, his claim has been rejected and on the basis of false allegations, he has been removed as a beneficiary from the Scheme.



3 Respondent-Corporation has filed a counter affidavit.

Counsel for the respondent-Corporation submits that the termination order dated 23.07.2003 was issued by the Corporation relying upon and exercising the discretion in view of the declarations made and agreed upon by the petitioner in the application for enrolment, format of which is at Annexure A to the counter affidavit. By Annexure 3 dated 23.12.2004, the petitioner was called upon to submit his explanation, if any. The same has been responded to by the petitioner by Annexure 4 of the writ petition. It is submitted that from perusal of the same, it would be apparent that the petitioner has in fact admitted to the lapse having been committed by him. Also from the reply filed to the counter affidavit, it is obvious that the lapse has been admitted by the petitioner. Under the contract for membership (Annexure A), petitioner's membership was liable to be terminated in view of such misuse/lapse. The termination order, therefore, cannot be interfered with.

4 This Court would find that Annexure 4 is substantially an admission on the part of the petitioner and even in paragraph 7 of the reply to the counter affidavit, petitioner has admitted the mistake/misuse committed by him. The petitioner has stated that *“if the bills of Dr Indra Mani Ranjan is not admissible in that case the simple required step is to reject the bills only which has been negligently passed and later on recovered also from the beneficiaries.”*



5 In view of the admitted position as noticed above and also in view of the declarations signed and agreed upon by the petitioner in the application for membership noticed above, the action of the respondent-Corporation, taken as per the terms agreed upon between the parties in Annexure A, seems to be bona fide.

6 No relief can be granted to the petitioner. The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2018
Transmission Date	NA

