

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11954 of 2017

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Dr. Kunoo Kumari Chaurasia, wife of Ramvir Choudhary, Resident of N/346, Hill side Police Lines, Manorama Maternity and Surgical Home Pvt. Ltd., Police Station- Civil Lines, District- Gaya.

.... Petitioner

Versus

1. The Union of India through the Director General (Personnel) Indian Railways.
2. The Director General, (Railway Health Services), Indian Railways.
3. The General Manager (P), East Central Railway, Hajipur.
4. The Chairman, Central Bank of India.
5. The Regional Manager, Central Bank of India.
6. The Branch Manager, Central Bank of India, Gaya College Branch, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharendra Pratap Singh, Adv.
For the Railways : Ms. Kalpana, Adv.
For the Bank : Mr. Bimlendu Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-01-2018

Heard Mr. Dharendra Pratap Singh, learned counsel for the petitioner, Ms. Kalpana, learned counsel for the Railways and Mr. Bimlendu Mishra, learned counsel appearing for the Bank.

Although the foundational facts leading to the grievance raised stands noted in the order of this Court passed on 11.1.2018 but briefly stated the petitioner is aggrieved by the order of the Branch Manager, Central Bank of India dated 25.4.2017, whereby in reference to a letter dated 20.12.2016 of the General Manager (Personnel) and the letter dated 7.4.2017 of the Divisional Railway Manager, East Central Railway she has been informed that her saving Bank Account No. 1842209178 has been freezed.



While the Bank has placed on record the letter dated 7.4.2017 of the Divisional Railway Manager instructing the Branch Manager, Central Bank of India, A.P.College Road, Gaya College vide Annexure 'A' to the counter affidavit filed whereby they were instructed to immediately freeze the saving Bank account of the petitioner, in reference to the letter dated 20.12.2016 of the General Manager (Personnel), the said letter of the General Manager has been placed on record vide Annexure 'D' to the counter affidavit of the Railways, whereby on discovery of alleged excess payment made to the petitioner that the Divisional Railway Manager, East Central Railway, Mughalsarai was instructed by the General Manager (Personnel) through his letter dated 20.12.2016 to initiate action. The three letters read alongside leave no room for confusion that it is on the directions issued by the Railways on the alleged discovery of over payment made to the petitioner that the Bank was instructed to freeze the account and which has resulted in the letter dated 25.4.2017 impugned at Annexure 1 to the writ petition.

In my opinion, the foundation for freezing the account lies on the letter dated 20.12.2016 of the General Manager (Personnel) at Annexure 'D' followed by the advisory issued by the Divisional Railway Manager in his letter dated 7.4.2017 placed on record vide Annexure 'A' to the counter affidavit of the Bank and thus until such



time that the legality and validity of the letters issued by the Railways is tested before the appropriate forum, there can be no interference with the order freezing the saving Bank account of the petitioner.

Since the petitioner was in the employment of the Railways, the instruction issued by the General Manager (Personnel) in his letter dated 20.12.1016 as followed by the Divisional Railway Manager in his letter dated 7.4.2017 resulting in freezing of the account by the letter to the Branch Manager dated 25.4.2017 requires to be tested before the Central Administrative Tribunal under the provisions of the Administrative Tribunal Act, 1985 and the petitioner, if so advised, may take recourse of such remedy.

The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2018
Transmission Date	NA

