

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5375 of 2019

1. The Union of India through the Chairman Railway Board, New Delhi-110001
2. The General Manager East Central Railway, Hajipur, Pin Code-841101
3. The Divisional Railway Manager, East Central Railway, Sonapur, Pin Code-841101
4. The Divisional Railway Manager(Personnel) East central Railway, Hajipur

... .. Petitioner/s

Versus

Asha Devi, Wife of Late Siya Ram Thakur, Resident of Village and Post-Patahi, District- Muzaffarpur, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Advocate Mr. Manish Prakash, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Pandey, Advocate Mr. Aditya Dev., Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-08-2019

Heard Shri Bindhayachal Singh, learned counsel for the petitioners, and the learned counsel for the sole respondent who is the widow of the late employee Shri Siya Ram Thakur.

The issue is very short with regard to the counting of the period of services which, according to the petitioners, had



to be excluded as the employee had been dismissed earlier and was reinstated on the charge of unauthorized absence. There were two punishments meted to the employee and there were two spells of absence of service that had to be taken into account for the purpose of computing the period for extending the benefits of pension.

The moot question is about the status of period of unauthorized absence and the manner in which it has to be construed upon a reading of the punishment orders as also the order of the Tribunal dated 15th of July, 2014 in O.A. No.168 of 2012.

We find from a perusal of the impugned judgement and the records that the Tribunal in its order dated 15th of July, 2014 had issued specific directions which is binding on the petitioner. The said order has not been challenged. Apart from this, what we find is that when the punishment of compulsory retirement from service was meted out to the petitioner therein, the last sentence of the said order categorically records that the period of suspension and absence period be regularized as per Rules.

We have not been able to gather any material to the contrary so as to exclude the said period on the basis of any fact



or any other Rule and, consequently, we do not find any error in the conclusion drawn by the Tribunal.

Accordingly, the petition is dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

AFR/NAFR	
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