

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12025 of 2019

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Mannu Paswan, age about 69 years (M), Son of Sri Late Ram Dayal R/o
Village-Beri, Post-Kararya, P.S.-Bikram, District-Patna-801109

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway,
Hazipur-844101
2. The Divisional Railway Manager East Central Railway, Danapur-801105
3. The Sr. Divisional Personnel Officer, East Central Railway, Danapur-801105
4. The Sr. DEN (Co-ord) EC Railway Danapur Division, Danapur-801105

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Krishna Bariar, Advocate

For the Respondent/s : Mr.Ramadhar Shekhar, Addl. S.C. (Railway)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-06-2019

Heard learned counsel for the petitioner.

2. The petitioner was proceeded against in disciplinary proceedings against which he filed an Original Application that was ultimately allowed. It is undisputed that in the said proceedings the petitioner had requested for payment of



interest on the admissible dues. In spite of this prayer, the same was not granted, but a direction was issued to take consequential action as regards admissible retiral dues of the applicant.

3. The contention of the learned counsel is that in view of the Railway Board Circular dated 27th June, 2002 as reiterated in the office memorandum dated 06.11.2008 the delay was caused on account of the proceedings taken against the petitioner which were ultimately set aside by the Tribunal.

4. It is no doubt true that the petitioner had been subjected to disciplinary proceedings and, therefore, it is evident that the disciplinary actions had resulted in non-payment and was not in the routine course of things for which the circulars had been made available. It is something different that the disciplinary proceedings ended in allowing of the Original Application where the applicant had prayed for an additional amount of interest which was not granted by the Tribunal in the earlier round of proceedings. In this view of the matter, the conclusion drawn by the Tribunal not to entertain the second application is justified. The dismissal of the said application would, however, not be an impediment in the event the petitioner is otherwise entitled to any interest as admissible under the rules.



5. The petition is consigned to records.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	20.06.2019
Transmission Date	

