

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13696 of 2021

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Rabindra Prasad Singh Son of Late Nandlal Singh Resident of Mohalla-
Raisar, P.O. and P.S.- Basudeopur, Munger, District- Munger.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, Room No.- 256A, Rail Bhawan, Raisina Road, New Delhi- 110001.
2. The Secretary, General Administration, Room No.- 256A, Rail Bhawan, Raisina Road, New Delhi- 110001.
3. The General Manager, Eastern Railway, 17 Netaji Subhas Road, Kolkata, West Bengal- 700001.
4. The Deputy Chief Materials Manager, Eastern Railways, Jamalpur, District- Munger, Bihar 811214.
5. The Deputy Chief Accounts Officer, Eastern Railways, Jamalpur, District- Munger, Bihar 811214.
6. The Chief Works Manager, Eastern Railways, Jamalpur, District- Munger, Bihar 811214.
7. The Director, Central Bureau of Investigation, Delhi, Plot No.- 5B, CGO Complex, Lodi Road, New Delhi.
8. The Zonal Head, Central Bureau of Investigation, Kolkata, 234/4, A.J.C. Bose Road, 15th Floor, Nizam Palace, 2nd MSO Building, Kolkata, West Bengal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sagar Suman

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

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

5 17-12-2021 The Central Administrative Tribunal, Patna Bench, by

an order dated 08.02.2019 passed in O.A. No. 050/00439/2018

and M.A. No. 390/2018 has rejected the petitioner's claim for

release of the amount of gratuity, referring to Rule 9(3) of the



Railway Services (Pension) Rules, 1993 (hereinafter referred to as 'the Rules') according to which only provisional pension can be paid where departmental proceeding or judicial proceeding is pending against a railway servant.. The said order of the Tribunal has been challenged by the petitioner in the present writ application.

2. This is not in dispute that a criminal case is pending against the petitioner.

3. Learned counsel representing the Union of India has drawn our attention to Rule 10 (1) (c) of the said Rules, which reads as under:-

“10. Provisional Pension where departmental or judicial proceedings may be pending.

*(1) * * * **

(c) No gratuity shall be paid to the railway servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon; provided that where departmental proceedings have been instituted under the provisions of the Railway Servants Discipline and Appeal Rules, 1968, for imposing any of the penalties specified in clauses (i), (ii) (iii a) and (iv) of rule 6 of the said rules, the payment of gratuity shall be authorized to



be paid to the railway servant.”

4. The said provision in most uncertain terms prohibits payment of gratuity until conclusion of departmental or judicial proceedings.

5. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is undergoing serious health problems and other family issues and, therefore, taking into account the hardship which he is facing, his case ought to have been considered by the Tribunal and should be considered by this Court sympathetically.

6. There being statutory bar under the Rules as noted above, we do not find any legal infirmity in the impugned order passed by the Tribunal.

6. This application, in our view, has no merit and it is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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