

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1569 of 2021**

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Anil Kumar, Son of Sri Ram Ballav Sharma, Resident of Village-Bihta, Post Office-Alipur, Police Station-Bakhityarpur, District-Patna, at present Resident of Ward No. 2, Moldiyar Tola, Bharat Wagon Road, Mokama, P.O. and P.S.-Mokama, District-Patna, Pin code -803302.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Railway, Govt. of India, Rail Bhawan, New Delhi.
2. Bharat Wagon and Engineering Company Ltd. through its Managing Director, Mokameh Works, Mokameh, District-Patna-803302.
3. The Assistant Manager, Personnel, Bharat Wagon and Engineering Company Ltd. Mokameh Works, Mokameh, District-Patna-803302.
4. The Deputy Manager Personnel, Bharat Wagon and Engineering Company Ltd. Mokameh Works, Mokameh, District-Patna-803302.
5. The Executive Personnel and Administration Bharat Wagon and Engineering Company Ltd. Mokameh Works, Mokameh, District-Patna-803302.
6. The Chief Manager (P and A) II, Bharat Wagon Engineering Co. Ltd., C Block, 5th Floor Maurya Lok Complex, Dak Bungalow Road, Patna 800001.
7. The Head (Material) and I/C (P and A), Bharat Wagon Engineering Co. Ltd., C Block, 5th Floor Maurya Lok Complex, Dak Bungalow Road, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate  
For the Bharat Wagon Company : Mr. Ray Saurabh Nath, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      16-09-2021                      Heard Mr. Anil Kumar Singh, learned counsel for the  
  
petitioner and Mr. Ray Saurabh Nath, learned counsel for Bharat  
  
Wagon and Engineering Company Ltd.

The present writ application has been filed by the  
  
petitioner for quashing the Notice Memo No.B.W.H./2117/20-  
  
21/806 dated 09.10.2020 issued by respondent No.7 whereby  
  
petitioner has been directed to refund a sum of Rs.4,99,157/- in



the Company A/c No.10633747120 which according to the respondent-Company was paid to the petitioner in excess on account of Voluntary retirement scheme opted by the petitioner.

Learned counsel for the petitioner submits that petitioner has filed a detailed representation at Annexure-9 to this writ application before the Executive (Personnel and Administration), Bharat Wagon and Engineering Company Ltd (respondent No.5) and concerned respondent may be directed to dispose the representation by a reasoned order within stipulated time period.

On the other hand, learned counsel for the Bharat Wagon and Engineering Company Ltd. submits that the petitioner may be directed to file a fresh representation before the Executive (Personnel and Administration), Bharat Wagon and Engineering Company Ltd. (respondent No.5) which would be disposed by the concerned respondent in accordance with law.

Having heard learned counsel for the parties, the petitioner is directed to file a fresh representation raising his grievance before Respondent No.5 within a period of three weeks and if such representation is filed by the petitioner, the respondent No.5 is directed to dispose the same in accordance



with law and by a reasoned order within a further period of three months from the date of filing of representation.

With the aforesaid observation and direction, the present writ application is disposed.

**(Anil Kumar Sinha, J)**

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