

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.907 of 2019

1. The Union Of India through the General Manager, East Central Railway, Hajipur, P.O. Digghi Kalan, P.S. Hajipur, Dist.-Vaishali at Hajipur, PIN Code-844101(Bihar)
2. The General Manager(Personnel), East Central Railway, Hajipur, P.O. Digghi Kalan, P.S. Hajipur, Dist.-Vaishali at Hajipur, PIN Code-844101(Bihar)
3. The Divisional Railway Manager, East Central Railway, Danapur, P.O. Danapur, P.S. Khagaul, Dist.-Patna(Bihar)
4. The Senior Divisional Engineer(Co-Ordination), East Central Railway, Danapur, P.O. Danapur, P.S. Khagaul, Dist.-Patna(Bihar)
5. The Senior Divisional Personnel Officer, East Central Railway, Danapur, P.O. Danapur, P.S. Khagaul, Dist.-Patna(Bihar)
6. The Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. Danapur, P.S. Khagaul, Dist.-Patna(Bihar)

... .. Petitioner/s

Versus

Dinesh Kumar S/o Late Shiv Kumar Resident of Bagh Malu Khan, Post Jhauganj, Dist.-Patna(Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Dikshit, Advocate Mr. Sumit Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Munna Pd Dixit (M.P. Dixit), Advocate Mr. S.K. Dixit, Advocate Mr. S.K. Chaubey, Advocate Mrs. Swastika, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-12-2022

The present writ petition is by the Union of India-
Department, they have assailed the order of the Central
Administrative Tribunal, Patna Bench, Patna dated 17.04.2018
passed in O.A. No. 504 of 2017.

The matter was heard on 12.10.2022 and the



following order was passed:

“Core issue involved in the present LPA is whether respondent is entitled to disability pension under Rule 75(6)V- (d) Railway Services (Pension) Rule, 1993 or not? Chief Medical Superintendent vide Annexure-2 dated 13.07.2017 has expressed opinion that even though respondent is Orthopedically Handicapped but he can earn his livelihood. Therefore, he is not entitled to disability pension in terms of the aforesaid Rules. If the petitioners are of the view that respondent can earn his livelihood with 85% disability in that event either they should provide employment or disability pension. On this issue learned counsel for the petitioner seeks time to get instruction from the concerned official. Rule 6 of Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Rules, 1996 deals with certificate issued under Rule 4 to be generally valid for all purposes. The aforementioned provision may also be taken into consideration for extending Disability Pension to the respondent or not?

Relist this matter on 02.11.2022 as a last chance.”

Supplementary affidavit has been filed pursuant to the aforesaid order in which petitioners-department have admitted that respondent is entitled to pension.

In the light of the aforesaid development, the present petition stands disposed of while affirming the order of the Tribunal.

The concerned authority is hereby directed to calculate monetary benefits and dispose the same along with



interest at the rate of 8% per annum in the light of Apex Court’s decision in the case of ***Vijay L. Mehrotra v. State of U.P., (2001) 9 SCC 687.***

(P. B. Bajanthri, J)

(Purnendu Singh, J)

Niraj/Aditya

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	20.12.2022
Transmission Date	N/A

