

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.899 of 2020

1. The Union of India through the Director General (Personnel), Indian Railway, New Delhi- 110001.
2. The General Manager (P), East Central Railway, Hajipur- 844101.
3. The Branch Manager, Central Bank of India, Gaya College Branch, Gaya- 823001.

... .. Petitioner/s

Versus

Dr. Kunoo Kumari Chaurasia wife of Ramvir Choudhary Resident of Manorma Bhawan, Hill Side Road, Police, Police Station- Rampur Town and District- Gaya- 823001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Jha, CGC
For the Respondent/s	:	Mr. Kumar Dharendra Pratap Singh, Advocate Mr. Ravi Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-07-2022

The present petition is filed on behalf of the petitioners no. 1 to 3. The petition on behalf of the petitioner no. 3, the Branch Manager, Central Bank of India, Gaya College Branch, Gaya is not maintainable for the reasons that affidavit has been filed by Deputy Chief Personnel Officer (Gazetted Officer). He has not been authorized to file petition on behalf of Central Bank of India.

02. Respondent-Kunoo Kumari Chaurasia was appointed with the second petitioner as an Assistant Medical Officer (Class II) on ad hoc basis on 31.05.1985 after rendering 29



years and six months she has retired on 31.12.2014. During the intervening period second petitioner has not regularised the services of the respondent. In other words, she continued to hold the post of Assistant Medical Officer (Class-II) on ad hoc basis. In this backdrop, the respondent have extended pension while fixing pension on 08.01.2015, petitioner no. 2 noticed that respondent is not entitled to pension as she was not regularly appointed as railway servant. Thereafter, a communication has been made to the Central Bank of India, Gaya College Branch, Gaya with a request to freeze the respondent bank account no. 1842209178. In the result, the communication has been made to the respondent that her bank account has been freezed on 25.04.2017.

03. Feeling aggrieved and dissatisfied with action of the second petitioner respondent filed representation as to why her account was freezed. Since, there was no response from the second petitioner, respondent was compelled to file CWJC 11954 of 2017 and it was disposed off on 11.08.2017. Respondent's petition was disposed of with observation that impunged action of the railways is a subject matter of Central Administrative Tribunal under Section 19 of the Administrative Tribunal Act, 1985. Thereafter, she has invoked remedy before the Central Administrative Tribunal in OA No. 485 of 2018 and it was disposed off on



05.10.2018. Thereafter, review application no. 33 of 2019 was filed by the petitioners and it was rejected, thus, the present writ petition.

04. Learned counsel for the petitioners submitted that undisputed facts are that respondent-Kunoo Kumari Chaurasia was appointed in the year 1985 and she was not made permanent employee of the railway and she has attained 60 years and she is not entitled to retiral benefits including pension and it was a sheer mistake committed by the officials of the railway department in preparing pension paper and forwarding the same to the concerned authority and extension of pension from time to time. The Mistake was noticed by the railway authorities in the year 2016. Accordingly, they have directed the concerned branch, Central Bank of India, Gaya College Branch, Gaya to freeze her SBI Account No. 1842209178. Therefore, order dated 05.10.2018 passed in O.A. No. 485/2018, order dated 24.07.2019 passed in R.A. No. 33/2019 are to be set aside while upholding decision of the petitioner vide letter 07.04.2017.

05. Heard learned counsel for the petitioner no. 3. The petition is not maintainable against Petitioner No. 3. Petition stands rejected insofar as petitioner no. 3.



06. Undisputed facts are that the respondent was appointed to the post of Assistant Medical Officer (Class-II) on ad hoc basis on 31.05.1985. As and when she completed 60 years in the post of Assistant Medical Officer on 31.12.2014 her services were relieved. The petitioners-railway department have fixed the pension and prepared the pension paper bearing PPO No. 20157300600001 on 08.01.2015. The respondent was paid pension from time to time till her SBI Account no. 1842209178 was freezed. If the railway authorities-petitioners have committed error in extending pension in favour of the respondent in that event they had a remedy of issuance of show cause to the respondent as to why pension papers with reference to PPO No. 20157300600001 should not be cancelled or withheld. Such a notice has not been issued to respondent. Further, after issuance of notice and on receipt of respondent's explanation they could have passed an order cancelling the pension papers dated 08.01.2015. Instead of exercising the above action, petitioners-railway authorities have resorted short-circuit method in directing the concerned bank to freeze the SBI account of the respondent. The petitioners have not apprised this Court under which statutory provision they are empowered to issue a direction to a bank to freeze the SBI account of its former employee or current employee. Further, before



issuing such a direction to the concerned bank respondent was not made known. In other words, behind the back of the respondent the petitioners-railway authorities were stated to have freeze the SBI account of the respondent.

07. In the light of these facts and circumstances, the petitioners have not made out case so as to interfere with the order of the Tribunal dated 05.10.2018 passed in O.A. No. 485 of 2018 read with order dated 24.07.2019 passed in Review Application No. 33 of 2019 review. Accordingly, writ petition stands dismissed. Reserving liberty to the petitioner-Railway authority/competent authority to proceed to set right the issue as to whether Respondent is entitle to pension or not with reference to service particulars read with relevant Rules or Regulations for regularisation of Respondent's service. If she is entitle in that event necessary action shall be taken after due hearing opportunity to the Respondent.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

