

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.675 of 2023

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Rinku Devi Wife of Randhir Kumar, CT/GT number - 015190726 resident of Type -2, Quarter No.- 419, Block - 30, Group Center, Central Reserve Police Force (C.R.P.F), Jhapha, Muzaffarpur, 842004, Bihar. Petitioner

Versus

1. Union of India through Directorate General, Central Reserve Police Force (C.R.P.F), C.G.O. Complex, Lodhi Road, New Delhi- 110003.
2. Director General, Central Reserve Police Force (C.R.P.F), C.G.O. Complex, Lodhi Road, New Delhi - 110003.
3. Commandant, Office of the Central Reserve Police Force (C.R.P.F), Joy Sagar, Shiv Sagar, Assam.
4. Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Bhubaneshwar, Odisha, Pin - 751011.
5. Deputy Inspector General of Police, Central Reserve Police Force, Office of the Deputy Inspector General of Police, Group Center, Jhapaha, Muzaffarpur (Bihar).
6. Accounts Officer, Battalion No. 149, Office of the Central Reserve Police Force (C.R.P.F), Joy Sagar, Shiv Sagar, Assam.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Shyameshwar Kumar Singh, Advocate
For the Union of India	:	Mr.Awadesh Kumar Pandey, Sr. C.G.C.
		Mr.R.K.Sharma, C.G.C.
		Mr. Lokesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-04-2023 In this case, petitioner has prayed for the following reliefs:-

“(I) That this application is being filed for issuance of a writ of mandamus commanding/ Directing the respondents to re-reimburse the medical claim of the husband of the petitioner namely Randhir Kumar who is posted as a constable/GD, force number 055190726 of Central Reserve Police Force, presently posted at C.R.P.F, Group Centre, Jhapaha, Muzaffarpur, (Bihar) Amounting to rupees 1173914:00 (Eleven lakhs seventy-three thousand nine hundred and



fourteen only).

(II) For issuance of a writ of certiorari for quashing the letter dated 16.09.2022 issued under the signature of the Accounts Officer Battalion No. 149, Office of the Central Reserve Police Force (C.R.P.F.), Joy Sagar, Shiv Sagar, Assam, by which it has been communicated to Group center, Jhapaha, Muzaffarpur that at present the outstanding amount which has to be realized from the husband of the petitioner on account of his medical reimbursement is rupees 717642:00 (Seven lakhs seventeen thousand six hundred and forty-two only) and thereafter a substantial amount is being deducted from the monthly salary of the husband of the petitioner.

(III) For staying the operation of the letter dated 16.9.2022 and for staying the recovery which is being made from the monthly salary of the husband of the petitioner.

(IV) For granting any other relief/reliefs to the husband of the petitioner as your lordships may deem fit and proper in the facts and circumstances of the case.”

Earlier after hearing learned counsel for the petitioner and learned counsel for the respondents on 20.03.2023, this Court passed the following order:-

“Learned counsel for the petitioner submits that the husband of the petitioner is critically ill and bedridden, he cannot read or write, therefore, she has filed this writ application to vindicate the grievance of the petitioner with respect to the order as contained in Annexure- ‘3’ to the writ application.

Learned counsel submits that on bare perusal



of Annexure- '3' it would appear that the husband of the petitioner has been provided a sum of Rs.11,93,014/- from the temporary imprest to meet his medical expenses. The medical bills of Rs.7,97,601/- has already been submitted to Odisha Sector Office, still Annexure- '3' says that a sum of Rs.7,17,642/- is showing outstanding.

Learned counsel has submitted that a direction has been issued to deduct a sum of Rs.10,000/- per month from the salary and other allowances of the husband of the petitioner till realization of the entire amount of Rs.7,17,642/-. It is submitted that the respondents are deducting/recovering a sum of Rs.27,265/- per month from the salary of the husband of the petitioner which is causing great financial and mental distress to her husband and the entire family consisting his wife (the petitioner) and two children as they are unable to meet their basic needs from the money left in their hand.

Learned counsel has further made efforts to take this Court through the various provisions of the CCS (Leave) Rules, 1972 as regards the extraordinary leave on the medical ground. It is submitted that the recoveries are being made from the salary in contravention of the leave rules.

Mr. Awadhesh Kumar Pandey, learned counsel for the Union of India prays for and is granted four weeks time to seek instruction and file a comprehensive counter affidavit.

List this matter on 20.04.2023.

Considering the nature of the withdrawal and the present condition of the husband of the petitioner, this Court deems it just and proper to direct the respondents that till further hearing they would not deduct/recover more than a sum of



Rs.10,000/- from the salary of the petitioner. The amount, if any, already recovered in excess of Rs.10,000/- per month from the salary shall be adjusted against future deductions at the rate of Rs.10,000/- per month subject to result of this writ application.

List accordingly.”

Mr. Awadhesh Kumar Pandey, learned Standing Counsel for the Central Government submits that though he has not filed a counter affidavit but he has instruction to say that the order dated 20.03.2023 has been complied with and consequential order has been passed whereunder the amount deducted so far from the salary and other allowances of the husband of the petitioner shall be returned.

In the aforesaid view of the matter, learned counsel for the petitioner does not proceed with this writ application keeping his rights reserved that in case, the petitioner would have any grievance with the order passed by the respondents, she may seek her remedy in accordance with law.

This writ application is, therefore, disposed of with the aforesaid observation.

(Rajeev Ranjan Prasad, J)

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