

Court No. - 18

Case :- WRIT - A No. - 795 of 2024

Petitioner :- Thakur Prasad Mishra

Respondent :- Union Of India Thru. Ministry Of Railways,
Railway Board, New Delhi And 2 Others

Counsel for Petitioner :- Shyam Sundar Dubey

Counsel for Respondent :- A.S.G.I.

Hon'ble Manish Kumar,J.

Heard learned counsel for the petitioner, Sri S.B. Pandey, learned Senior Advocate, assisted by Sri Varun Pandey, learned counsel for the respondent.

The present writ petition has been preferred for issuing direction to the respondents for giving fixed medical allowance to the petitioner which has been stopped since 2017.

Learned counsel for the petitioner has submitted that the petitioner had retired from service from Railways in the year 1997. After his retirement the petitioner was getting Rs.500 as fixed medical allowance uptill October, 2016. Thereafter it has been stopped without giving any notice to the petitioner.

It is further submitted that the petitioner had made a representation to the Divisional Railway Manager, North East Railway, Lucknow on 3.8.2017 by speed post.

It is further submitted that after the retirement of the petitioner the Assistant Divisional Finance Manager had written a letter dated 13.12.2021 directing the department to submit the form of the petitioner for the purpose of payment of fixed medical allowance, but the matter is still pending and the petitioner has is not being paid the fixed medical allowance.

On the other hand, learned counsel for the respondent has submitted that though the petitioner has remedy to approach the Central Administrative Tribunal but looking into the old age of the petitioner this Court may direct the authorities to take decision on the representation of the petitioner.

After arguing at some length, learned counsel for the petitioner has confined his prayer only to the extent that the petitioner may be permitted to make a fresh representation to the Opposite Party No.3 - Divisional Railway Manager, Ashok Marg, Lucknow for payment of his fixed medical allowance alongwith arrears by completing the necessary formalities within the stipulated time as this Court may deem fit and proper.

With the consent of parties, without entering into the merit of the case and looking into the age of the petitioner, who is 84 years of age, the petitioner is at liberty to make a representation within a period of one week to the Respondent No.3 for payment of his fixed medical allowance regularly every month alongwith arrears. In case, such a representation is made by the petitioner within a period of one week from today alongwith certified copy of order, Respondent No.3 may take decision on the same within a period of six weeks thereafter.

With this observation, the writ petition is disposed off.

Order Date :- 5.2.2024

S. Kumar