

**02.12.2025**  
Court No. 02  
Item No.10  
(Suvendu)

**WPA 26211 of 2025**  
**ASHIM KUMAR CHAUDHURI**  
**-VERSUS-**  
**UNION OF INDIA & ORS.**

Mr. Shambhu Nath Ray  
Ms. Munmun Das  
Ms. Afren Parvez  
.....for the petitioner

Mr. Kaushik Dey  
Mr. Tirtha Pati Acharyya  
....for the UOI

1. Matter is heard at length in presence of learned advocates representing the parties.
2. Mr. Dey, learned advocate representing Eastern Railway on instruction submits that Provident Fund amount was paid to the petitioner on 27<sup>th</sup> August, 2025 and steps are being taken for releasing provisional pension in favour of the petitioner. However, some more time is sought for on behalf of Eastern Railway to complete formalities prior to settling provisional pension case of the petitioner in accordance with law.
3. In the writ petition it is contended on behalf of the petitioner that charge-sheet dated 20<sup>th</sup> August, 2025 was issued just before his

retirement on 31<sup>st</sup> August, 2025 in terms of the order passed by the Revisional Authority on 1<sup>st</sup> April, 2025. It is submitted that after issuance of charge-sheet on 20<sup>th</sup> August, 2025 proceeding is kept pending. It is also the contention of the petitioner that after his superannuation on 31<sup>st</sup> August, 2025 such proceeding may not be continued.

4. Another limb of submission which is advanced on behalf of the petitioner is non-payment of retirement benefits due to pendency of disciplinary proceeding based on charge-sheet dated 20<sup>th</sup> August, 2025 at the time of his retirement of 31<sup>st</sup> August, 2025.
5. Having considered the submissions made on behalf of the parties, it appears that pendency of disciplinary proceeding against the petitioner pursuant to charge-sheet dated 20<sup>th</sup> August, 2025 does not impinge upon the petitioner's right to get provisional pension and provident fund. It is submitted that Provident Fund amount has already been paid to the petitioner and steps have been taken for releasing provisional pension.
6. Concerned authorities of Eastern Railway are directed to complete formalities and to release

provisional pension of the petitioner in accordance with law by three weeks from date.

7. It is also found that in terms of order passed by the Revisional Authority dated 1<sup>st</sup> April, 2025 petitioner was reinstated in service and was paid emoluments and salaries. However, in the said order dated 1<sup>st</sup> April, 2025 leave was granted to the Disciplinary Authority to initiate disciplinary proceeding against the petitioner by issuing fresh charge-sheet incorporating various omission and commission of the petitioner which were brought out in the preliminary enquiry report. Pursuant to such order dated 1<sup>st</sup> April, 2025 charge-sheet was issued on 20<sup>th</sup> August, 2025 which is prior to retirement of the petitioner on 31<sup>st</sup> August, 2025.

8. Nothing is shown on behalf of the petitioner in order to substantiate his case that in the event charge-sheet is issued prior to superannuation of an employee of Eastern Railway Disciplinary Authority is not empowered to conclude the disciplinary proceeding after superannuation. As the Disciplinary Authority issued charge-sheet on 20<sup>th</sup> August, 2025 in terms of leave granted by the Revisional Authority vide order dated 1<sup>st</sup>

April, 2025 Disciplinary Authority is directed to conclude the disciplinary proceeding by six months from date.

9. It is made clear that petitioner shall not pray for unnecessary adjournments before the enquiry officer in order to defer the disciplinary proceeding and in the event prayer is made for adjournment before the enquiry officer same shall not be allowed unless it is shown that the reason for adjournment is justified.
10. With the above observations and directions, writ petition stands disposed of.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Saugata Bhattacharyya, J.)**