

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 6545 of 2025

Arun Joseph (Ex-Clerk, Grade-1, PCNL, EC Railway, DRM Office, Dhanbad), aged about 66 years, son of Late Anthony Joseph, resident of Ish Arpan Villa, Kolakusma, near Bhuiphor Mandir, Sabalpur Road, K. G. Ashram, P.O. - K.G. Ashram, P.S. Saraidhela, District Dhanbad, Jharkhand. Petitioner

Versus

1. The Union of India, Ministry of Railways, through General Manager, East Central Railway, Hazipur, P.O. and P.S. Hazipur, District Hazipur.
2. The Divisional Railway Manager, East Central Railway, Dhanbad Division, Dhanbad, P.O. and P.S. Dhanbad, District Dhanbad.
3. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad Division, Dhanbad, P.O. and P.S. Dhanbad, District Dhanbad.
4. The Divisional Personnel Officer, East Central Railway, Dhanbad Division, Dhanbad, P.O. and P.S. Dhanbad, District Dhanbad.
5. Assistant Personnel Officer (2)-cum-Assistant Public Information Officer, East Central Railway, Dhanbad Division, Dhanbad, P.O. and P.S. Dhanbad, District Dhanbad.
6. The Senior Divisional Mechanical Engineer (P), East Central Railway, Dhanbad, P.O. and P.S. Dhanbad, District Dhanbad. Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For Petitioner:	Mr. P. K. Mukhopadhyay, Advocate.
For respondents:	Mr. Prashant Pallav, A.S.G.I.
	Mr. Ayushi, AC to A.S.G.I.
	Mrs. Leena Mukherjee, C.G.C.

02/Dated: 28.11.2025

1. Issue notice to the respondents.
2. Mr. Prashant Pallav, learned A.S.G.I. waives service of notice for the respondents.
3. The writ petitioner-applicant, who approached the learned Central Administrative Tribunal for grant of the following substantive reliefs:-

“For quashing of that part of the order dated 04.02.2025 (Annexure-20 to this writ petition) passed by the, Central Administrative Tribunal, Patna Bench, Circuit Bench at Ranchi, in OA No. 051 / 00792 / 2022, only to the extent of order/ direction passed in para-21 (v), whereby the Learned Tribunal has directed that the railway authorities are at liberty to take suitable decision to deduct the damage charges for the unauthorized use and occupation of the railway quarter from

25.07.2008 i.e. the date when the petitioner was released from jail to 12.01.2016 from the amount to be paid by them to the petitioner and in consequence thereof the respondent -railway authorities had deducted Rs. 6,38, 453/- by way of damage rent vide order dated 30.05.2025 passed by the respondent no. 3 (Senior Divisional Personnel Officer, E.C. Railway, Dhanbad), which is absolutely arbitrary, illegal, irrational and suffers from non-application of judicial mind in view of the fact that the petitioner immediately after being released on bail, had submitted an application on 02.08.2008 to the respondent no.6 for handing over the Railway Qr. No. 393 / B/ 77, Hill Colony, Dhanbad, requesting therein to take over charge of railway quarter, but the railway authorities failed and neglected to take over the charge of the railway quarter despite several requests and representations made by the petitioner and hence the respondent authorities are liable to charge normal rent @ Rs. 98/- per month only, which is apparent on face of the pay slips of November, 2002 and February- 2003, in which Rs. 98/- only has been deducted by way of house rent.

(ii) For issuance of appropriate writ(s), order (s), direction(s), specifically a writ in the nature of certiorari for quashing of the office order dated 30.05.2025 (Annexure-21 to this writ petition) issued under the signature of respondent no. 3, whereby the respondent railway authorities have recovered/deducted Rs. 6,38,453/- from the pensionary benefits of the petitioner in compliance of the order of Hon'ble Tribunal passed in O.A. No. 051/00792/2022.

(iii) For issuance of an appropriate writ(s), order(s) , direction(s) or a writ in the nature of mandamus, commanding upon the respondents to pay interest upon the provident fund amount of Rs. 47,055/-, which has been held-up from 17.10.2007 to till date.

(iv) For issuance of an appropriate writ(s), order(s) , direction(s) or a writ in the nature of mandamus, commanding upon the respondents to pay interest upon the amount of 2/3rd pensionary benefits paid to the petitioner on account of delayed payment for 18 years without any fault on part of the petitioner and only due to fault of the respondents in missing the service record of the petitioner, including cost of litigation and damages etc., and to refund the recovered amount to the Petitioner.”

4. The learned trial court after hearing the parties was pleased to partly allow the petition by passing the following directions:-

“21. From the above, we direct the respondent authorities as under:-

(i) To fix and pay the amount of pension including the arrears of pensions and current pension to the applicant in terms of order dt. 17.10.2007 of the Disciplinary Authority.

(ii) To pay the gratuity of the applicant in terms of order dt. 17.10.2007 of the Disciplinary Authority.

(iii) To pay the interest on arrears of pension and gratuity from 17.01.2008 to till the date of payment to the applicant as per GPF rates applicable from time to time.

(iv) To complete the exercise to reconstruct the service record and to payment of compassionate allowance 2/3rd Pensionary Benefits & Gratuity of the applicant within three months of receipt of certified copy of this order.

(v) The Railway Authorities are at liberty to take suitable decision to deduct the damage charges for the unauthorized use and occupation of the Railway quarter from 25.07.2008 i.e. the date when the applicant was released from jail to 12.01.2016 from the amount to be paid by them to the applicant."

5. The petitioner herein is aggrieved by direction No. 5 (Supra), which pertains to the liberty granted to the Railway authorities to deduct damage charges for the unauthorized use and occupation of the Railway quarters from 25.07.2008 the date when the applicant was released from jail to 12th January, 2016 from the amount to be paid to the petitioner.

6. Learned counsel for the petitioner would strenuously argue that the premises in question was vacated on 02.08.2008 and in support of such contention, has placed strong reliance on document dated 02.08.2008. He would further contend that since this letter had been duly received on 02.08.2008 by the respondents themselves therefore, it should be accepted even by the respondents that the premises actually stood handed over on 02.08.2008 itself.

7. However, like the tribunal, we do not find any merit in this contention given the fact that the petitioner himself has placed on record the vacation and occupation document (Annexure-19), which goes to indicate that one Vivek Kumar Choubey occupied the Quarters that had been allotted to the petitioner being Railway Qr. No. 393B/77 Type II at Railway colony, Dhanbad and the possession thereof in fact was handed over not by the Railway authorities but by the petitioner himself on 12.01.2016, as is clearly evident from the document itself.

8. In addition to that, it needs to be noticed that this document is signed by both Vivek Kumar Choubey and the petitioner herein. Evidently, this document was not assailed either before the trial court nor has it been assailed before this Court. Thus, it has been conclusively established that it was only on 12.01.2016 that the petitioner as a matter of fact had vacated the premises in question.

9. In this view of the matter, we see no reason to interfere with the impugned order dated 04.02.2025 passed by the learned Central Administrative Tribunal, Patna Bench, Circuit Bench at Ranchi in OA No. 051/00792/2022.

10. Accordingly, this writ petition is dismissed.

11. Pending application(s), if any, shall also stand disposed of.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

28.11.2025

APK/Vedanti