

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10050 of 2025

1. The Union of India through the Secretary, Ministry of Railway, New Delhi-110001.
2. The Senior DCM, East Central Railway, Sonapur-841101.
3. The Divisional Railway Manager (Commercial), East Central Railway, Sonapur- 841101.

... .. Petitioner/s

Versus

Vinay Kumar Srivastava Son of Late Shivnath Prasad Srivastava, Resident of Village Ufraulia, P.S. Riga, District Sitamarhi- 843327, posted as Chief Commercial Clerk, Naugachhia Railway Station, Mansi Railway Platform, District - Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Agrawal, Sr. CGSC
		Mr. Rahul Kumar, Advocate
For the Respondent/s	:	

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

7 27-01-2026 The present writ petition has been filed assailing the order dated 12.12.2024 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Ld. CAT') in OA/050/00553/2017, whereby and whereunder the original application filed by the respondent herein has been allowed, the orders dated 21.03.2016 and 09.09.2016 passed by the Divisional Railway Manager



(Commercial), Sonapur have been quashed and the petitioners have been directed to refund the recovered amount to the respondent within a period of three months.

2. At the outset, the learned counsel for the petitioners has submitted that the Ld. CAT, in paragraph No.8 of the impugned order dated 12.12.2024 has recorded the fact that the petitioners herein have not quoted in the written statement filed before the Ld. CAT any Rule which empowers the petitioners to recover demurrage charges and wharfage charges, which admittedly have not been recovered by the petitioners herein from the concerned business establishment which was supposed to pay the same.

3. Nonetheless, it is submitted by the learned counsel for the petitioners that the provision for making recovery from the concerned employee, the amount of pecuniary loss caused by him to the government or railway administration by negligence or breach of orders is contained in Rule 6 (iii) of the Railway Servants (Discipline & Appeal) Rules, 1968 (hereinafter referred to as the 'Rules, 1968') and the procedure for the purposes of imposing minor penalties is prescribed under Rule 11 of the Rules, 1968, which have been followed by the petitioners while passing the impugned orders dated 21.03.2016



and 09.09.2016. Thus, it is submitted that that Ld. CAT is not right in holding that there is no Rule under which recovery of the due demurrage charges and wharfage charges can only be made from the defaulting business establishment and not from the concerned employee.

4. At this juncture, we have put a question to the learned counsel appearing for the petitioners as to whether the said Rules, 1968 were brought to the notice of the Ld. CAT, to which the answer is in the negative.

5. In view of the aforesaid, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Ld. CAT by filing appropriate review petition and placing the aforesaid Rules, 1968 before it so that proper adjudication of the case in hand can be done by the Ld. CAT. Therefore, the learned counsel for the petitioners seeks not to press the present petition, however seeks liberty on behalf of the petitioners to file review petition before the Ld. CAT for review of the aforesaid order dated 12.12.2024 passed by the Ld. CAT. Liberty, so sought, is granted.

6. It is made clear that we have not expressed any opinion on the merits of the case and it would be at the discretion of the Ld. CAT to pass appropriate orders upon the



review to be filed by the petitioners, in accordance with law.

7. Accordingly, the present writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

(Alok Kumar Pandey, J)

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