

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 457 of 2015

Ambika Choudhary

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Petitioner

Vrs.

1. East Central Railway, Hajipur, Bihar
2. The Chief Medical Director, East Central Railway, Hajipur, Bihar
3. Chief Medical Superintendent, East Central Railway, Dhanbad
4. Divisional Railway Manager, East Central Railway, Dhanbad
5. Sr. D.M.O (OPD), East Central Railway, Dhanbad

..... Respondents

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CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH

For the Petitioner

: Mr. Suraj Singh

For the Respondents

: Mr. S.K.Lala, J.C to Mr. Vijoy Kumar
Sinha, ASC Railway

03/27.10.2015 Heard learned counsel for the parties.

Petitioner was proceeded against under charge dated 17.8.2011(Annexure-6) for indenting 6000 dozens roller bandage(6 cms. x 4 mtrs.) instead of the annual consumption of 6000 numbers, which led to excess indent than requirement leading to expiry of bandage. Petitioner was Storekeeper at the relevant period of time and at the time of issuance of charge-sheet he was Chief Pharmacist at Divisional Hospital, Dhanbad. The proceeding ended in the findings of guilt and punishment of withholding of Privilege Pass and Privilege Ticket Order of one year of 2012 was imposed vide Annexure-7 dated 12.9.2011 by the Senior D.M.O, East Central Railway. Petitioner seems to have preferred an appeal which according to the instructions furnished to his counsel has not ended in his favour. However, a sum of Rs. 74,000/- has been withheld even after his retirement on 29.2.2012. He has represented before the respondent- Chief Medical Superintendent, East Central Railway, Dhanbad, such as vide Annexure-8 and 9 and also by a legal notice at Annexure-10 to the Chief Medical Superintendent, East Central Railway, Dhanbad & Senior DMO (OPD), East Central Railway, Dhanbad.

Learned counsel for the petitioner submits that earlier in 2009 also when he was asked explanation, he was only

cautioned to be careful in future as per the order at Annexure-5 dated 18.8.2009 in respect of the same allegation. Therefore, though the charges have not led to any order of recovery but the amount of Rs. 74,000 is still withheld.

Learned counsel for the Railway submits that the matter at the first instance is cognizable by the learned Central Administrative Tribunal being notified as such to be covered under the provisions of Administrative Tribunal Act, 1985. He also submits that instructions are awaited in the matter.

Be that as it may, from the relevant facts pleaded and submission of the parties, at this stage, no comment on merit on the petitioner's claim is required to be made. Therefore, it is deemed appropriate that his representation be considered by the competent authority i.e. Chief Medical Superintendent, East Central Railway, Dhanbad, respondent no.3 relating to withholding of an amount of Rs. 74,000/- from his post retirement dues. Accordingly, the writ petition stands disposed of so that the respondent no.3 would consider the petitioner's representation in accordance with law within a reasonable time preferably 12 weeks from the date of receipt of the copy of this order.

The writ petition stands disposed of accordingly.

(Aparesh Kumar Singh, J.)

A. Mohanty