

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2306 of 2014

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1. Raj Kishore Ram S/O Late Sunder Ram Resident Of Mohalla - Bhikhanpur Gumti No. 2, Near Bishahari Asthan, P.S. Ishakchak, Town AND District - Bhagalpur

.... Petitioner/s

Versus

1. The Union Of India, Through The Secretary Ministry Of Railways, Govt. Of India, Rail Bhawan, New Delhi
2. The Chairman, Indian Railway Board, Rail Bhawan, New Delhi
3. The General Manager, East Central Railway, Hazipur, Bihar
4. The General Manager, Eastern Railway, Fairly Place, Kolkata (W.B)
5. The General Manager (Vigilance), Eastern Railway, Fairly Place, Kolkata (W.B)
6. The Divisional Railway Manager, Eastern Railway, Malda (W.B.)
7. The Additional Divisional Railway Manager, East Central Railway, Dhanbad, Jharkhand - Cum - The Appellate Authority
8. The Senior Divisional Personel Officer, East Central Railway, Dhanbad, Jharkhand
9. The Divisional Commercial Superintendent (Now Known As Senior Divisional Commercial Manager) Eastern Railway, Malda (W.B.) - Cum - The Disciplinary Authority
10. The Senior Divisional Commercial Manager, East Central Railway, Dhanbad, Jharkhand - Cum - The Disciplinary Authority/Punishing Authority
11. The Enquiry Officer, (Head Quarter), Eastern Railway, Fairly Place, Kolkata (W.B.)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate

For the Respondent/s : Mr. Mahesh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

3 03-11-2015 Heard learned counsel for the petitioner and learned counsel for Union of India.

Petitioner by filing this writ petition has assailed order dated 19.10.2012 passed by the Bench of Central Administrative Tribunal, Patna in O.A. No. 268/2012 with M.A. No.308/2012 whereunder the learned Tribunal has refused to condone the delay

in filing the original application filed for a direction to dispose of the Service Appeal dated 15.09.2001 filed by the petitioner pending before Respondent No.8 on the ground that there was no justification for the applicant to have awaited for disposal of the said appeal for such a long period.

The petitioner herein has given his explanation as to why did he take time to approach the Tribunal and informed the Tribunal that he requested the statutory authority by as many as 14 reminders to dispose of the appeal but the same was not considered which is apparent from paragraph-2 of the order of the Tribunal. The learned Tribunal ought to have condoned the delay in filing the original application and in our opinion should have directed the Respondent No.8 to dispose of the appeal filed by the petitioner dated 15.09.2001 within reasonable time.

Accordingly, we direct the Respondent No.8 to dispose of the aforesaid appeal of the petitioner within two months from the date of receipt of order/production before Respondent No.8.

The writ petition is, accordingly, disposed of, however, without any order as to costs.

(V.N. Sinha, J)

(Aditya Kumar Trivedi, J)

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