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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7926 of 2015

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1. The Union of India, through the Secretary, Department of Railways, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Railway Zonal office, Hajipur at Vaishali.
3. The Divisional Railway Manager, Sonepur Railway Division, East Central Railway, Sonepur.
4. The Senior Divisional Personel officer (Sr. DPO), Sonepur Railway Division, East Central Railway, Sonepur.
5. The Senior Divisional Railway Manager (Engg), (Sr. DME), Sonepur Railway Division, East Central Railway, Sonepur. .... Petitioners.

Versus

Ravi Ranjan Sahay Son of Late Ram Maohan Prasad village- Garhara, Prem Nagar Tola, P.O.- Garhara, P.S.- Barauni, District- Begusarai.

.... Respondent.

WITH

Civil Writ Jurisdiction Case No. 8030 of 2015

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1. The Union of India, through the Chairman, Railway Board, New Delhi.
2. The General Manager, North Frontier Railway, Maligaon, Assam.
3. The General Manager [P], North Frontier Railway, Maligaon, Assam.
4. The Divisional Railway Manager, N.F. Railway, Katihar.
5. The Divisional Railway Manager [P], N.F. Railway, Katihar.
6. The Assistant Divisional Engineer, N.F. Railway, Barsoi, Katihar.
7. The APO- III, N.F. Railway, Katihar. .... Petitioners.

Versus

1. Salimuddin, son of Late Nizamuddin, resident of village- Alaypur, P.O.- Sitalpur, P.S- Barsoi, District- Katihar.
2. Abdul Karim, son of Salimuddin, resident of vilaage- Alaypur, P.O.- Sitalpur, P.S- Barsoi, District- Katihar. .... Respondents.

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Appearance :
(In CWJC No. 7926 of 2015) and (In CWJC No. 8030 of 2015)
For the Petitioners : Mr. D.K. Sinha, Sr. Adv.
Mr. Bindhyachal Singh, Adv.
For the Respondents : None.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
And
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)
Date: 29-06-2015

Both these writ petitions arise from the orders of the Central Administrative Tribunal, Patna Bench, Patna (hereinafter in short

the 'Tribunal') in relation to dependent, consequent to voluntary retirement of employees in the Railways and different schemes framed by the Railway Board in that regards. In both these writ petitions interlocutory applications have been filed to stay the judgment under appeal in so far as the directions which have been issued in general to the Railway Board. This is so because both the original applications have otherwise been dismissed on merits.

2. Having heard Mr. D.K. Sinha, learned senior counsel in support of both the writ petitions and the interlocutory applications filed therein, in spite of taking up interlocutory applications, we have heard learned senior counsel at length on the merit of the writ petitions itself. We would first like to notice as the original applications before the Tribunal had been dismissed on merits, no relief whatsoever granted to the applicants therein, we consider it not proper to issue notice to the private-respondents who did not succeed before the Tribunal.

3. The applicants before the Tribunal had sought appointment of their wards allegedly seeking voluntary retirement under various schemes. For one reason or the other, they were denied the same. They moved before the Tribunal and the Tribunal on the facts held that the applicants were not entitled to any relief and the denial of employment by the Railways under the schemes was not open to question.

4. In our view, that was the jurisdiction of the Tribunal and it ended thus. The jurisdiction of the Tribunal is absolutely to decide a lis. The jurisdiction of the Tribunal does not extend to power of superintendence as to how schemes would be framed by the Railway Board. Of course, we have cases when the Apex Court has held that the Tribunal can strike down a scheme, being violative of the constitutional provisions, but that is different from directing the Railway Board to take opinion from a particular person and to reframe the scheme in a particular manner. Such power of superintendence, which vests in the High Court under Article-227 of the Constitution, is not available to the Tribunal. Once the Tribunal found that the original applications are merit less that was the end of the matter. All further observations in the shape of directions to the Chairman of the Railway Board to consult the Additional Solicitor General and revise the scheme upon his opinion is beyond the jurisdiction of the Tribunal. All those observations are fit to be ignored. In any view of the matter, they are set aside.

5. In view of the aforesaid, both these writ petitions are allowed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

Trivedi/NAFR

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