

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8316 of 2015

Subhash Chandra Tiwari, Son of Late Raj Kishore Tiwary, Chief Welfare Inspector, Office of Chief Administrative Officer (Construction), East Central Railway, Mahendru Ghat, Patna- 800004 (Bihar), Resident of Railway Quarter No. 452-A-B, European Colony, Mughalsarai, P.S.- Mughalsarai, District- Chandauli (U.P.).

.... Petitioner.

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, District - Vaishali (Bihar).
3. The Chief Administrative Officer (Construction), East Central Railway, Mahendru Ghat, Patna- 800004 (Bihar).
4. The Divisional Railway Manager, East Central Railway, Mughalsarai (U.P.).
5. The Chief Vigilance Officer, East Central Railway, Hajipur, District- Vaishali (Bihar).
6. The Deputy Chief Vigilance Officer (Accounts), East Central Railway, Hajipur, District- Vaishali (Bihar).

.... Respondents.

Appearance :

For the Petitioner : Mr. Dhanendra Chaubey, Adv.

For the Respondents : Mr. Anil Sinha, Adv.

Mr. Abhimanu Deo, Adv.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 23-06-2015

Heard learned counsel for the petitioner and
learned counsel for the Railways.

Learned counsel for the petitioner submits that the
Central Administrative Tribunal, Patna Bench, Patna (hereinafter in
short the 'Tribunal') has erred in dismissing his application both on
grounds of limitation and on merits.

We have gone through the order of the Tribunal

- 2 -



and found no error. The petitioner has challenged his order of transfer before the Central Administrative Tribunal, Allahabad Bench by filing O.A. No.257 of 2011. The only plea was that the respondents had no jurisdiction to transfer him. The Central Administrative Tribunal of the Allahabad Bench directed the authorities to consider his representation. That was in 2011. Thereafter, the representation not having been considered, in 2014 he filed an application before the Tribunal at Patna.

Having considered the matter, we do not find that the Tribunal has erred in holding that the application was barred by limitation. The Tribunal has also dwelled upon the merits. The contention was that on the direction of General Manager (P), the Senior Divisional Personnel Officer transferred the petitioner who had no authority to make an interdivisional transfer. Railways had filed a written statement before the Tribunal clearly annexing the delegating notification by which the power has been conferred on SAG Grade i.e. Senior Administrative Grade. All we can say is that the transfer is an incidence of service. Petitioner then submits that he has hardly a month to retire and as he is an employee of Mughalsarai, there will be lack of difficulty in getting post retiral dues. We think otherwise. Once the post retiral dues are calculated and settled, it will be automatically transferred to the account of the

petitioner at his place of residence and he need not have to come to Patna for receiving the post retiral dues.

Be that as it may, we are not inclined to interfere in the matter. Accordingly, this writ application is dismissed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

Trivedi/NAFR

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