

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11695 of 2015

- =====
1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar) null null
 2. The General Manager (P), East Central Railway, Hajipur, District- Vaishali (Bihar)
 3. The Chief Administrative Officer (CON), East Central Railway, Mahendrughat, Patna
 4. The Deputy Chief Personnel Officer (CON), East Central Railway, Mahendrughat, Patna
 5. The Deputy Chief Engineer (CON), East Central Railway, Dehri-on-Son At Mugalsarai
 6. The Divisional Railway Manager, East Central Railway, Mugalsarai
 7. The Divisional Railway Manager (Personnel), East Central Railway, Mugalsarai
 8. The Senior Division Financial Manager, East Central Railway, Mugalsarai

.... Petitioner/s

Versus

1. Subhash Chandra Prasad Singh Son of Late Basu Deo Narayan Singh, Ex. Trackman Under Senior Section Engineer (CON), East Central Railway, Dehri-on-Son Resident of Village/Post- Parahar, PS- Darihat District- Rohtas (Bihar)

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11669 of 2015

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1. The Union of India through Secretary, Ministry of Railway, Rail Bhawan, New Delhi null
2. The General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar) null null
3. The Divisional Railway Manager, East Central Railway, Samastipur null null
4. The Senior Divisional Engineer (Co-ordination), East Central Railway, Hajipur, Samastipur
5. The Senior Division Financial Manager, East Central Railway, Samastipur null null
6. The Senior Section Engineer/P/Way, Samastipur null null

.... Petitioner/s

Versus

1. Dorik son of Late Musai, Ex-Gangman under Section Engineer (P.Way), East Central Railway, Hasanpur Road, resident of village/Post- Birnama, P.S.- Angarghat, District- Samastipur (Bihar)

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 24265 of 2013

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1. Union Of India Through General Manager, E.C. Railway, Hajipur, District Vaishali, Bihar

.... Petitioner/s

Versus

1. Thakur Son Of Late Kashi, Ex Khalasi Under District Engineer/Con/East Central Railway, Hazaribagh Resident Of Khera Bera, Post Gohmoh, District Dhanbad
2. Dy. Chief Engineer (Con)/E.C. Railway, Hazaribagh
3. Divisional Railway Manager, East Central Railway, Dhanbad
4. Chief Administrative Officer (Con), East Central Railway, Mahendrughat, Patna
5. F.A. And C.A.O. (Con), East Central Railway, Mahendrughat, Patna
6. Senior Divisional Financial Manager, East Central Railway, Dhanbad

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10577 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (P) East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Divisional Railway Manager, East Central Railway, Danapur.
4. The Divisional Railway Manager (P) East Central Railway, Danapur.
5. The Senior Divisional Engineer (Co-ordination), East Central Railway, Danapur.
6. The Senior Division Financial Manager, East Central Railway, Danapur.

.... Petitioner/s

Versus

1. Suran Nath Son of Late Ramoo, Ex.Trackman under section Engineer (P.Way), East Central Railway, resident of village- Netpur, Post- Kukuraha, District- Buxar (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11119 of 2015

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1. The Union of India through the General Manager, East Central Railway, Hajipur, District – Vaishali (Bihar)
2. The General Manager [P], East Central Railway, Hajipur, District – Vaishali (Bihar)
3. The Divisional Railway Manager, East Central Railway, Danapur.
4. The Divisional Railway Manager [P], East Central Railway, Danapur
5. The Senior Divisional Engineer (Co-ordination), East Central Railway, Danapur.
6. The Senior Division Financial Manager, East Central Railway, Danapur.

.... Petitioners

Versus

Nawal Kishore Rai, son of Amla Rai, Ex-Supervisor, under Section Engineer [P.Way], East Central Railway, Buxar, resident of village – Goyiyanav, District – Siwan (Bihar).

.... Respondent

with

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Civil Writ Jurisdiction Case No. 11117 of 2015

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1. The Union of India through the General Manager, East Central Railway, Hajipur, District – Vaishali (Bihar)
2. The Divisional Personnel Officer, East Central Railway, Mugalsarai.
3. The Divisional Railway Manager, East Central Railway, Mugalsarai.
4. The Assistant Engineer, East Central Railway, Dehri-on-Sone, Rohtas at Sasaram.
5. The Railway Inspector, East Central Railway, Dehri-on-Sone, Rohtas at Sasaram.

.... Petitioners

Versus

Ram Sundar, son of Late Shbeodhari, resident of village – Jageya, P.O. – Koorshawa, P.O. – Obra, District – Aurangabad (Bihar)

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11125 of 2015

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1. The Union of India, through the General Manager, East Central Railway, Hajipur, District – Vaishali (Bihar)
2. The Divisional Railway Manager, East Central Railway, Mugalsarai.
3. The Senior Divisional Engineer (Co-ordination), East Central Railway, Hajipur Mugalsarai.
4. The Senior Divisional Personnel Officer, East Central Railway, Mugalsarai.
5. The Senior Divisional Financial Manager, East Central Railway, Mugalsarai.

.... Petitioner/s

Versus

Tulsi, son of late Nanhak, Ex.Gangman, Under Section Engineer (P.Way), East Central Railway, Gaya, resident of village – Uttaraudh Tola Maulabichak, P.S. – Chandauti, District – Gaya (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11099 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (P), East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Divisional Railway Manager, East Central Railway, Danapur.

- 4. The Divisional Railway Manager (P), East Central Railway, Danapur.
- 5. The Senior Divisional Accounts Officer, East Central Railway, Danapur.
- 6. The Section Engineer (P.Way), East Central Railway, Nawada.

.... Petitioner/s

Versus

- 1. Smt. Shukhali Devi, Wife of late Prayag, Resident of Village- Dargahi Tola, PO- Lamuabad, P.S. Pandarak, District- Patna, retired Gangman under the Section Engineer (P.Way), East Central Railway, Nawada (Bihar).

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 10762 of 2015

- 1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
- 2. The Divisional Railway Manager, East Central Railway, Dhanbad.
- 3. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad.
- 4. The Senior Divisional Engineer (Co-Ordination), East Central Railway, Dhanbad.
- 5. The Senior Divisional Financial Manager, East Central Railway, Dhanbad.

.... Petitioner/s

Versus

- 1. Hiralal Prasad, Son of Late Bihari Prasad, Ex. Technician, Under Senior Section Engineer (Works)/2, East Central Railway, Dhanbad resident of Village/Post- Raghunathpur, District- Buxar (Bihar).

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 11132 of 2015

- 1. The Union Of India through the General Manager, East Central Railway, Hajipur, District Vaishali (Bihar)
- 2. The Divisional Railway manager, East Central Railway, Danapur.
- 3. The Divisional Railway Manager(P), East Central Railway, Danapur
- 4. The Senior Divisional Engineer (Co- ordination), East Central Railway , Danapur.
- 5. The Senior Divisional Manager, East Central Railway Danapur.

.... Petitioner/s

Versus

- 1. Dharam Deo son of late Dhnan, Ex. Trackman Under Section Engineer (P.Way), East Central Railway , Buxar, resident of Village/ Post -Baruna, District Buxar(Bihar)
- 2. Ganga Bishun Son of late Jagwat , Ex. Trackman, Under Section Engineer(P.Way), East Central Railway, Buxar, resident of Village/Post Baruna, district Buxar(Bihar)

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 18168 of 2012

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1. The Union Of India Through General Manager, East Central Railway, Hajipur.
2. The Divisional Railway Manager, East Central Railway, Danapur.
3. The Senior Divisional Personnel Officer, East Central Railway, Danapur.
4. The Sr. Divisional Engineer (Coordination), East Central Railway, Danapur.
5. The Sr. Divisional Financial Manager, East Central Railway, Danapur.

.... Petitioner/s

Versus

1. Jalaluddin Akhatar S/O Md. Gulab Ex-J.E. Ii/Works, East Central Railway, Buxar, Resident Of Village Turuchakia, Post Office Buxar Central Jail, Police Station Buxar Muffasil, District Buxar, Bihar.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10527 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (P) East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Chief Administrative Officer (Con), East Central Railway, Mahendrughat, Patna.
4. The FA & C.A.O (CON), East Central Railway, Mahendrughat, Patna.
5. The Deputy Chief Engineer (CON), East Central Railway, Barkakana.
6. The Executive Engineer (CON), East Central Railway, Dhanbad.

.... Petitioner/s

Versus

1. Ramakant Prasad, Son of Late Hari Nandan Prasad, Ex. Store Chaser Under Deputy Chief Engineer (CON), East Central Railway, Barkakana, Resident of Village- Lakshmipur, Post- Losgani, District- Lakhisarai (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10455 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The Divisional Railway Manager, East Central Railway, Dhanbad.
3. The Divisional Railway Manager (Personnel) East Central Railway, Dhanbad.
4. The Chief Administrative Officer (CON), East Central Railway, Mahendrughat,

- Patna. null null
5. The Deputy Chief Engineer (CON)/, East Central Railway, Dhanbad.
 6. The F.A. & C.A.O (CON), East Central Railway, Mahendrughat, Patna.
 7. The Senior Divisional Financial Manager, East Central Railway, Dhanbad.

.... Petitioner/s

Versus

1. Mathura Mistry, Son of Late Sri Jangi Mistry, Ex- Blackmith Under Deputy Chief Engineer (CON)/East Central Railway, Dhanbad Resident of Village- Motihara, Post- Danda, District- Garhwa.
2. Ram Rekh Mistry, Son of Late Mathura Mistry, Ex. Carpenter, Under Section Engineer/CON. (P.WAY)/ East Central Railway, Gomoh, Resident of Village- Semari Jaitiya, Post- Nabi Nagar Road, District- Aurangabad (Bihar).

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 10712 of 2015

1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The Divisional Railway Manager, East Central Railway, Dhanbad.
3. The Divisional Railway Manager (Personnel) East Central Railway, Dhanbad.
4. The Chief Administrative Officer (CON), East Central Railway, Mahendrughat, Patna.
5. The Deputy Chief Engineer (CON)/, East Central Railway, Dhanbad.
6. The F.A. & C.A.O (CON), East Central Railway, Mahendrughat, Patna.
7. The Senior Divisional Financial Manager, East Central Railway, Dhanbad.

.... Petitioner/s

Versus

1. Mak Sudan, Son of Late Alam, Ex. Trackman Under Section Engineer (P.WAY)/CON, East Central Railway, Gomoh, Resident of Bodro, Post- Bhendra, District- Bokaro.
2. Chola Ram, Son of Late Rup Lal, Ex. Khalasi, Under Junior Engineer/CON/WORKS, Bokaro, Resident of Bodro, Post- Bhendra, District- Bokaro.
3. Pirtu, Son of Late Mannu, Ex. Trackman Under Section Engineer (P.WAY)/CON., East Central Railway, Gomoh, Resident of Bodro, Post- Bhendra, District- Bokaro.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 10553 of 2015

1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (P) East Central Railway, Hajipur, District- Vaishali (Bihar).

3. The Chief Administrative Officer (Con), East Central Railway, Mahendrughat, Patna.
4. The Chief Accounts Officer (Con) South, East Central Railway, Mahendrughat, Patna.
5. The Divisional Railway Manager, East Central Railway, Danapur.
6. The Divisional Railway Manager (Personnel) East Central Railway, Danapur.
7. The Dy. Chief Engineer (Con) East Central Railway, Danapur.
8. The Senior Division Financial Manager, East Central Railway, Danapur.

.... Petitioner/s

Versus

1. Raj Kishore Prasad Singh, son of Late Sonu Lal Singh, Ex. Senior Material Clerk under Deputy Chief Engineer (Con/ East Central Railway Resident of Mohall/PO-Dhelwan, District- Patna-20.
2. Kedar, Son of Late Janki, Ex. Track Man, under section Engineer (P.Way), East Central Railway, Mokama, Resident of village/Post - Kanhaipur, District- Patna (Bihar).
3. Kedar, Son of Late Jitan, Ex. Gangman, under section Engineer (P.Way), East Central Railway, Mokama, Resident of village/Post - Kanhaipur, District- Patna (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10561 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (P) East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Divisional Manager, East Central Railway, Danapur.
4. The Divisional Railway Manager (P) East Central Railway, Danapur.
5. The Senior Divisional Engineer (Cordination), East Central Railway, Danapur.
6. The Senior Division Financial Manager, East Central Railway, Danapur.

.... Petitioner/s

Versus

1. Lalloo, son of Janki, Ex. Trackman under section Engineer (P.Way), East Central Railway, Garhara, Resident of village/Post - Kanhaipur, District- Patna (Bihar).
2. Karoo son of late Hemraj, Ex. Trackman under section Engineer (P.Way), East Central Railway, Garhara, Resident of village/Post - Kanhaipur, District- Patna (Bihar).
3. Siboo, son of Late Mahto, Ex. Trackman under section Engineer (P.Way), East Central Railway, Okama, Resident of village/Post - Kanhaipur, District- Patna (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10589 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
 2. The Divisional Personnel Officer, East Central Railway, Mugalsarai.
 3. The Divisional Railway Manager, East Central Railway, Mugalsarai.
 4. The Assistant Engineer, East Central Railway, Dehri-on-son, Rohtas Sasaram.
 5. The Railway Inspector, East Central Railway, Dehri-on-son, Rohtas at Sasaram.

.... Petitioner/s

Versus

1. Doman, Son of Late Shyam Bihari Yadav, Resident of Village- Madar, Post-Mirzapur, district- Aurangabad (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10535 of 2015

=====

1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The Divisional Railway Manager, East Central Railway, Mugalsarai.
3. The Senior Divisional Engineer (Co-ordination), East Central Railway, Hazipur Mugalsarai.
4. The Senior Divisional Personnel Officer, East Central Railway, Hajipur, Mugalsarai.
5. The Senior Divisional Financial Manager, East Central Railway, Mugalsarai.

.... Petitioner/s

Versus

1. Rajendra, Son of Late Rohan, Ex. Gangman Under Section Engineer (P.Way), East Central Railway, Gaya Resident of Village- Jai Bigha, PO- Sagarpur, P.S.- Makhdumpur, District- Jehanabad(Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10552 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The Divisional Manager, East Central Railway, Danapur.
3. The Divisional Railway Manager (P) East Central Railway, Danapur.
4. The Senior Divisional Engineer (Co-ordination), East Central Railway, Danapur.
5. The Senior Division Financial Manager, East Central Railway, Danapur.
6. The Senior Section Engineer (Works), East Central Railway, Buxar.

.... Petitioner/s

Versus

1. Daroga Pandey, son of Late Ramayan Pandey, Ex. Massion Under Senior Section Engineer (Works), East Central Railway, Buxar Resident of Village-

Jagdishpur, Post- Nadav District- Buxar (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11380 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar)
2. The General Manager (P), East Central Railway, Hajipur, District- Vaishali (Bihar)
3. The Divisional Railway Manager, East Central Railway, Danapur
4. The Divisional Railway Manager (Personnel), East Central Railway, Danapur
5. The Senior Divisional Engineer (Co-ordination), East Central Railway, Danapur
6. The Senior Division Financial manager, East Central Railway, Danapur

.... Petitioner/s

Versus

1. Shukhari, son of late BanshRopal, Ex. Trackman under Section Engineer (P. WAY), East Central Railway, Buxar, Resident of Village/Post- Baruna, District- Buxar (Bihar).
2. Narsingh, Son of late Rajaram, Ex. Keyman under Section Engineer (P. WAY), East Central Railway, Buxar, Resident of Village/Post- Baruna, District- Buxar (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 11336 of 2015

=====

1. The Union Of India through the General Manager, East Central Railway, Hajipur District- Vaishali (Bihar)
2. The Divisional Railway Manager, East Central Railway, Danapur
3. The Divisional Railway Manager (P), East Central Railway, Danapur
4. The Senior Divisional Engineer (Co-ordination), East Central Railway, Danapur
5. The Senior Division Financial manager, East Central Railway, Danapur
6. The Senior Section Engineer (Works), East Central Railway, Buxar.

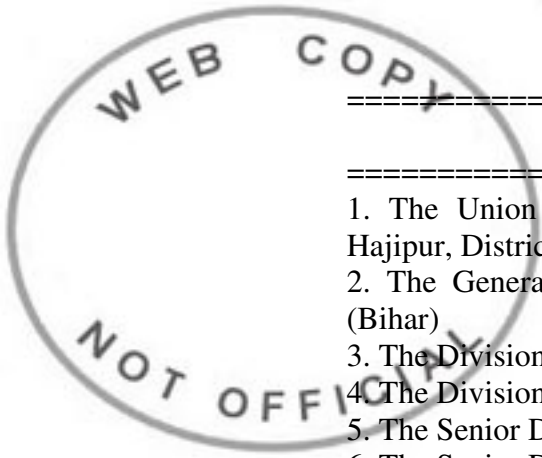
.... Petitioner/s

Versus

1. Jadu Nandan, son of late Bhulan, Ex-Helper Khalasi under Section Engineer (Works) East Central Railway, Buxar, Resident of Village- Baluan, Post- Buxar Central Jail, District- Buxar (Bihar).
2. Ram Swaroup, son of late Ganesh, Ex. Helper Khalasi under Section Engineer (Works) East Central Railway, Buxar, Resident of Village- Baluan, Post- Buxar Central Jail, District- Buxar (Bihar).

.... Respondent/s

with



Civil Writ Jurisdiction Case No. 10423 of 2015

The Union Of India & Ors
Chhatradhari & Ors

Versus

with

.... Petitioner/s

.... Respondent/s

Civil Writ Jurisdiction Case No. 11606 of 2015

1. The Union of India through General Manager, East Central Railway, Hajipur, District- VAishali (Bihar)

2. The Divisional Railway Manager, East Central Railway, Samastipur

3. The Divisional Railway Manager, East Central Railway, Samastipur

4. The Senior Divisional Engineer (Co-ordination), East Central Railway, Hajipur, Samastipur

5. The Senior Divisional Officer, East Central Railway, Samastipur

6. The Accounts Officer, East Central Railway, Samastipur

Versus

1. Most. Kailashiya Devi wife of Late Singheshwar Mahto (ex-Gangman), resident of village + P.O.- Nirpura, P.S. & District- Samastipur (Bihar)

with

.... Petitioner/s

.... Respondent/s

Civil Writ Jurisdiction Case No. 10501 of 2015

1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).

2. The General Manager (P), East Central Railway, Hajipur, District- Vaishali (Bihar).

3. The FA & CAO, East Central Railway, Hajipur, District- Vaishali (Bihar).

4. The Chief Signal Telecom Engineer/Construction, East Central Railway, Hajipur, District Vaishali (Bihar).

5. The Deputy Chief Signal & Telecom Engineer/Construction, East Central Railway, Samastipur.

Versus

1. Brijesh Kumar, Son of late Brij Nandan Pandit, Ex Helper Khalasi, Under Deputy Chief Signal & Telecom Engineer, Construction, East Central Railway, Samastipur, resident of Village- Ranisarai Post- Bakhtiyarpur, District- Patna (Bihar).

with

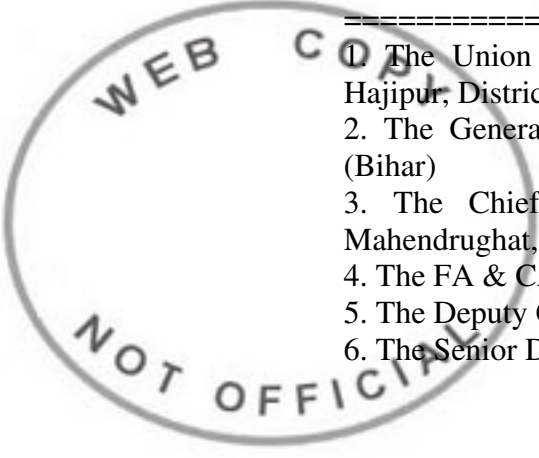
.... Petitioner/s

.... Respondent/s

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Civil Writ Jurisdiction Case No. 10415 of 2015

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1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar)
 2. The General Manager (P), East Central Railway, Hajipur, District- Vaishali (Bihar)
 3. The Chief Administrative Officer (CON)/South, East Central Railway, Mahendrughat, Patna
 4. The FA & CAO, East Central Railway, Mahendrughat, Patna
 5. The Deputy Chief Engineer (CON)/West, East Central Railway, Hazaribagh
 6. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad

.... null

Versus

1. Jadu, son of Late Ram Brichha, Ex Carpenter, Under Deputy Chief Engineer (CON)/West East Central Railway, Hazaribagh, resident of village- Chaperdaga Post- Bhikahi, District- Garhwa

.... null

with

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Civil Writ Jurisdiction Case No. 11108 of 2015

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1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The Chief Administrative Officer (CON), East Central Railway, Mahendrughat, Patna.
3. The Divisional Railway Manager, East Central Railway, Samastipur.
4. The Senior Divisional Personnel Officer, East Central Railway, Samastipur.
5. The Senior Divisional Financial Manager, East Central Railway, Samastipur.
6. The Deputy Chief Engineer (CON)/ II, East Central Railway, Darbhanga.

.... Petitioner/s

Versus

1. Awadh Kishore Prasad Sinha, Son of Late Bhagwat Prasad, Ex. Store Issuer Under DY. Chief Engineer/CON-II, East Central Railway, Darbhanga, Resident of Village- Kaldaspur Post- Churi, District- Gaya (Bihar).

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 10511 of 2015

=====

1. The Union Of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The Divisional Railway Manager, East Central Railway, Dhanbad.
3. The Chief Administrative Officer (CON)/South, East Central Railway, Mahendrughat, Patna.

4. The Deputy Chief Engineer (CON)/II, East Central Railway, Dhanbad.
5. The FA & C.A.O (CON), East Central Railway, Mahendrughat, Patna.
6. The Senior Divisional Financial Manager, East Central Railway, Dhanbad.

.... Petitioner/s

Versus

1. Ramtahal, Son of Late Chandu, Ex. Chairman under Junior Engineer (Works)/CON., East Central Railway, Dhanbad Resident of KheraBera Post-Gomoh District- Dhanbad Presently at Bari Khagaul PO- Khagaul, District- Patna (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner : Mr. D.K. Sinha, Sr. Advocate
Mr. Bindhyachal Singh, Advocate
Mr. Sunil Kumar Ravi, SC-11

For the Respondents : Mr. M. P. Dixit, Advocate
Mr. Sanjay Kumar Chaubey, Advocate
Mr. Sanjay Kumar Dixit, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 18-08-2015

Heard Mr. D.K.Sinha, learned senior counsel appearing on behalf of the Railways, ably assisted by Mr. Bindhyachal Singh, and Mr. M.P. Dixit, learned counsel for the contesting private respondents.

2. All these writ petitions involve a singular question, which is no more in controversy. By similar orders, similar reliefs were granted to all the contesting respondents here, when they were forced to approach the Central Administrative Tribunal, Patna Bench. The issue was what period, spent in percentage- wise, as casual and temporary status, would be counted for the purpose of pension and pensionary benefits. The Railways have contended that in casual status nothing would be granted and in temporary status fifty percent. The Tribunal, on the other hand, held that fifty percent in casual status and hundred percent in temporary status. Being aggrieved, these writ petitions.

3. Mr.Dixit, learned counsel appearing for the

contesting respondents brings to the notice of this Court that at least in thirty earlier cases, the Tribunal had held so. The Railways being aggrieved had filed at least 25 writ petitions earlier on the same identical issue. They were all dismissed. Some of them even went to Supreme Court and Special Leave to Appeal(S.L.Ps.) were dismissed. Again, the Tribunal being bound by its earlier judgment, repeated the same, and we are being bound by the earlier judgment by the Division Bench, have to repeat the same, and dismiss all these writ petitions.

4. We wonder why the Railways is forcing each employee to individually approach Tribunal. It is well-settled that once a position in law upon a fact is decided by the competent authority or the Tribunal, that would apply automatically to all similarly situated persons. They need not move the Tribunal or authority afresh. It appears that as no one in the Railways has to pay any cost for litigating, this wrong practice continues. It should be deprecated. It not only wastes time of the litigants, but the time of the Tribunal and the High Court in repeating the same thing again and again, with no benefits to any one in real terms.

5. The issue having been settled repeatedly, all these writ petitions are dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

BK.Roy/-

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