

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.391 of 2013

IN

Civil Writ Jurisdiction Case No. 14074 of 2010

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Rang Lal Singh S/O Late Ram Sakal Singh Ex. Sr. S.E. (P. Way) East Central Railway, Arrah R/O Village Ad Post Dhanauti, District Bhojpur (Bihar).

.... Petitioner/s

Versus

1. Union of India
2. Sri L.M. Jha, Divisional Railway Manager, East Centrl Railway Danapur, District Patna (Bihar).
3. Sri Manoj Kumar, Divisional Railway Manager (Personnel), East Central Railway, Danapur, District Patna (Bihar).
4. Sri S.K. Jha, Sr. Divisional Engineer (2), East Central Railway, Danapur, District Patna (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Munna Prasad Dixit
Mr. Sanjay Kumar Chaubey
For the Respondent : Mr. D.K. Sinha, Senior Advocate
Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Date: 20-01-2015

I.A. No.1816 of 2014

The interlocutory application has been filed for condoning the delay of 11 days in filing the civil review application.

In the facts and circumstances mentioned in the application, the delay in filing the civil review application is condoned.

I.A. No.1816 of 2014 is, accordingly, disposed of

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

The civil review application has been filed for reviewing

the order dated 13.8.2013 passed in M.J.C. No.3153 of 2012, by which this Court has dismissed the contempt application holding that it was not persuaded to proceed any further in the contempt jurisdiction.

The order dated 30.9.2011 under contempt itself was passed in C.W.J.C. No.14074 of 2010, by which the prayer of the petitioner was that the enquiry should be conducted at Danapur from where he superannuated and was thereafter residing at Buxar, and not at Lucknow as was the earlier direction of the authority. Till that stage, no stand had been taken by the respondent authority that the enquiry report had already been submitted in the year 2005. In M.J.C. No.3153 of 2012 though, a supplementary show cause was filed stating that a copy of the enquiry report has already been communicated to the petitioner through registered post dated 12.5.2005 and since no rejoinder had been filed to the supplementary show cause it was held by this Court that if the departmental enquiry was over and the enquiry report was dispatched on 12.5.2005, without going into further controversy it was apparent that both the respondent and the writ petitioner allowed the writ petition to be disposed of on a mistake of fact and accordingly, the contempt application was dismissed.

Learned counsel for the petitioner submits that after the order dated 13.08.2013 was passed, the petitioner has been served

with an order dated 6.8.2013 issued under the orders of the Railway Board, by which a Board of Enquiry consisting of Sri Aditya Prakash has been appointed as enquiry officer to enquire into the charges framed against the petitioner. Learned counsel further submits that because of the order passed in the contempt application, the respondents were not proceeding pursuant to the said order.

In our view, the order passed in the contempt application being M.J.C. No.3153 of 2012, does not go into the merit or root of the matter and if the disciplinary authority had themselves chosen to issue the order dated 6.8.2013 which, in all fairness, learned counsel for the Railway ought to have brought to the notice of this Court when the order dated 13.8.2013 was passed, the authorities of the Railway ought to proceed further pursuant to the appointment of the new enquiry authority and conclude the departmental proceedings after giving opportunity to the petitioner to be heard in accordance with law.

With the aforesaid observations, the present review application is disposed of.

V.P.Sinha/-

(Ramesh Kumar Datta, J)

(Vikash Jain, J)

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