

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7351 of 2015

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Babita Massey, wife of shri D. Jai, Presently residing on Quarter No. 652
BOT, Para near Railway Hospital colony, N.F. Rly. Katihar.

.... Petitioner/s

Versus

1. The Union of India through G.M., N.F. Railway, Maligawan, District-
Kamroop, Assam.
2. The General Manager, N.F. Railway, Maligaon, District- Kamrup.
Assam.
3. The Divisional Railway Manager, N.F. Railway, Katihar.
4. The Senior Divisional Personnel officer, N.F. Railway, Katihar.
5. The Chief Medical Superintendent N.F. Railway, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. M.M.P.Sinha, Advocate.

For the Respondent/s : Mr. D.K.Sinha, Sr. Advocate.
Mr. Anil Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 11-05-2015 Heard learned counsel for the parties.

2. Having regard to the fact that the petitioner in this writ application has a grievance with regard to her service conditions either with regard to suspension or continuation of the departmental proceeding, she being an employee of Railway, and covered by the ambit of Section 14 of the Administrative Tribunal Act, she has her remedy, in the first instance, before the Central Administrative Tribunal in view of the judgment of the Apex Court in the case of *L. Chandra Kumar v. Union of India & Ors.* reported in *AIR 1997 SC 1125*.

3. Learned counsel for the petitioner submits that the

said order assailed in this writ application, is also in violation of the order of the Court and thus nullity in the eye of law. In this regard, he relies on the judgment of the Apex Court in the case of ***Delhi Development Authority vs. Skipper Construction Co.(P) Ltd. & Anr.*** reported in ***(1996) 4 SCC 622***.

4. Learned counsel for the Railway has, however, sought to explain that this Court's order has not been violated inasmuch as the application for extension of time, filed within time, is still pending.

5. All these submissions of the learned counsel for both the parties have been only noted for their satisfaction inasmuch as this Court is not supposed to give advice to the parties as to the remedy is available to them in case the Court's order is violated or the Court's order has been complied.

6. With the aforementioned observation, this writ application is disposed of and it is held that as on today this writ application, in presence of the statutory alternative remedy, is not maintainable before this Court.

(Mihir Kumar Jha, J)

Sujit/-

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