

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2272 of 2014

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Raj Kishore Ram S/O Late Sunder Ram Resident Of Mohalla- Bhikhanpur Gumti
No.2, Near Bishahari Asthan, P.S- Ishakchak, Town and Distict- Bhagalpur

.... Petitioner/s

Versus

1. The Union of India, through the Secretary Ministry of Railways, Govt. of India, Rail Bhawan, New Delhi.
2. The Chairman, Indian Railway Board, Rail Bhawan, New Delhi.
3. The General Manager, East Central Railway, Hazipur, Bihar
4. The General Manager, Eastern Railway, Fairly Place, Kolkata (W.B)
5. The General Manager (Vigilance), Eastern Central Railway, Hajipur, Bihar.
6. The Chief Commercial Manager, East Central Railway, Hajipur, Bihar Cum The Revisioning Authority.
7. The Divisional Railway Manager, Eastern Railway, Malda (W.B)
8. The Divisional Railway Manager, East Central Railway, Dhanbad, Jharkhand- Cum- The Appellate Authority
9. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad, Jharkhand.
10. The Divisional Commercial Superintendent (Now Known As Senior Divisional Commercial Manager), Eastern Railway, Malda (W.B)- Cum- The Disciplinary Authority.
11. The Senior Divisional Commercial Manager, East Central Railway, Dhanbad, Jharkhand- Cum- The Disciplinary Authority/ Punishing Authority.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate
For the Respondent/s : Mr. Mahesh Prasad, Advocate
Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 03-11-2015

Heard learned counsel for the petitioner and the respondents.

2. Petitioner has filed this writ petition assailing the order dated 19.10.2012 passed in O.A. No. 265 of 2012 with M.A.

No. 304 of 2012 by Patna Bench of Central Administrative Tribunal whereunder Tribunal has refused to direct the Disciplinary Authority to dispose of the revision filed by the petitioner holding that the same is not a mandatory departmental remedy.

3. Against the order of the Disciplinary Authority, as per the rules, there lies an appeal and against the order of the Appellate Authority there lies a revision in terms of the rules.

4. In the circumstances, observation of the learned Tribunal in paragraph 12 of its judgment that revision is not a mandatory departmental remedy, is not in accordance with law and is set aside with direction to the Revisional Authority to dispose of the revision petition dated 09.08.2007, Annexure-17 pending before Chief Commercial Manager, East Central Railway, Hajipur as early as possible, in any case within two months from the date of receipt/production of a copy of this order.

(V.N. Sinha, J.)

(Aditya Kumar Trivedi, J.)

Arjun/-

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