

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1393 of 2014

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1. Sanjay Kumar Choudhary S/O Jagarnath Choudhary Resident Of Village-
Begampur Bhitari Garhipar, P.S- Chowk Patna City, District- Patna.

.... Petitioner/s

Versus

1. The Union of India through The Ministry of Railway, New Delhi.
2. The Divisional Railway Manager, Eastern Railway, Danapur.
3. The Senior Divisional Commercial Manager, East Central Railway, Danapur
4. The Station Manager, Patna Sahab, East Central Railway, Danapur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. MUNNA PRASAD DIXIT (M.P. DIXIT) & MR
SANJAY KUMAR CHOUBEY

For the Respondent/s : Mr.SUNIL KUMAR RAVI
(Railways)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: **HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**)

Date: 07-12-2015

The petitioner was a licensed Porter in Danapur Division. There was a scheme of Railways to permit the licensed Porter to become Gangman. The petitioner claimed to have applied. There were queries being made, at this stage, the petitioner approached the Tribunal. From the pleadings, as before the Tribunal, it appears that the main grievance of the petitioner was that his application was not being disposed of by either allowing him to migrate to Gangman or disallowing his application. The Tribunal because of some uncertain pleadings, took the matter in a different

perspective, and held it to be barred by limitation and dismissed it.

2.Sri. M.P. Dixit, learned counsel on behalf of the petitioner, submits that till date the Railways have neither allowed nor rejected the petitioner's claim for being considered for being appointed as Gangman. This position is not disputed by the learned counsel for the Railways. We would have expected that Railways having invited applications under the scheme have to finally dispose of the application, whatever worth it may be, one way or the other, but they can not keep his application in suspended animation.

3. We, therefore, set aside the order of the Tribunal and direct the Railways to take a final decision in the matter after hearing the parties, if necessary, within a period of three months from today.

4. The writ petition is, accordingly, disposed of.

(Navaniti Prasad Singh, J)

B.K.Roy/-

(Anjana Mishra, J)

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