

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13070 of 2009

Vijay Kumar Gupta son of Late K. N. Arya, posted as Station Superintendent, Naya Nagar Station, E.C. Railway Samastipur, R/o C/o Sanjay Kumar Sinha, Mohalla- Adarsh Nagar, Road No.-3, P.O. & P.S. and District- Samastipur

.... Petitioner

Versus

1. The Union of India through General Manager, E.C. Railway, Hazipur
2. Divisional Railway Manager, E.C. Railway, Samastipur
3. Sr. D.P.O., E. C. Railway, Samastipur
4. Sr. D.O.M., E.C. Railway, Samastipur
5. Chief Vigilance Commissioner, Railway

.... Respondents

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. D. K. Sinha, Sr. Advocate
Mr. Dr.Kumar Uday Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and
HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 06-04-2015

No one appears for the petitioner. Heard learned counsel for the Railway.

The writ petitioner was an employee of the Railway and had undertaken a departmental examination. He had failed. He was not empanelled. He had approached the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the Tribunal) by filing Original Application, being O.A. No. 373 of 2005 with complaints that the evaluation of answer sheets was not correctly done. There was deliberate attempt to favour some people. The Tribunal did not entertain the application and dismissed it, vide order dated 18.7.2008, holding that this was virtually a Public Interest Litigation that was being filed. When

this writ petition was filed, this Court was informed that there were some vigilance inquiries and this Court directed Railway to bring on record the vigilance report in respect of the examination in question. The vigilance reports were then brought on record by way of supplementary counter affidavit which, indeed, admitted grave irregularities in evaluation of the answer sheets. In the supplementary counter affidavit an order of the Railway was also annexed, dated 19.01.2011, wherein it was indicated that pursuant to the vigilance report, the concerned answer sheets were to be re-evaluated. That was way back in the year 2011.

Learned counsel for the Railway informs that the writ petitioner since retired and his retiral dues has been settled, may be for that reason, he is not pursuing the matter any more.

Be that as it may, as no one appears to press this writ petition, we are not inclined to interfere in the matter. This writ petition is dismissed accordingly.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

avin/-

U			
---	--	--	--