

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20869 of 2014

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1. Dinesh Sharma Son of Sri Laxmi Narain Sharma, Resident of Qtr. No. 1266D, Manas Nagar, Railway Colony, P.O. AND P.S. Mugalsarai, District - Chandauli (U.P.)
2. Pulendra Kumar Singh Son of Late Ram Jiwan Singh Resident of At AND P.O. - Garhara, District - Begusarai

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railways, New Delhi
2. The General Manager, East Central Railway, Zonal Office Hajipur, District - Vaishali
3. The Chief Personnel Officer (C.P.O.), East Central Railway, Zonal Office, Hajipur, District - Vaishali
4. The Senior Personal Officer, East Central Railway, G.M. Office, Hajipur, District - Vaishali
5. All India OBC Railway Employees Federation, Indian Railways, Room No. 48 Ground Floor, Railway Board, Rail Bhawan, New Delhi through its General Secretary
6. The General Secretary, All India OBC Railway Employees Federation, Indian Railways, Room No. 48 GF, Railway Board, Rail Bhawan, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Mr. Rajesh Mohan
For the Respondent/s : Mr. Anil Kumar Sinha, Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 08-09-2015

Heard Mr.Siya Ram Shahi for the petitioners and Mr.Anil Kumar Sinha for the respondent East Central Railways (ECR).

The petitioners held the elected posts of Treasurer and General Secretary respectively of All India O.B.C. Railways Employees Association (for short ' the Association') in the Eastern Central Zone, Hajipur. They have challenged the orders dated 24.9.2014 (Annexure-8) and 26.9.2014 (Annexure-8/A) passed by the respondent ECR. By the order dated 24.9.2014, the General Secretary

and the Treasurer of the Association were temporarily suspended till further orders and by another communication dated 26.9.2014, the Association itself was temporarily suspended till further orders.

There is no dispute that All India OBC Railways Employees Federation (for short 'the Federation') constituted at the headquarters is the apex body of the OBC employees serving the Railways whereas the Association is affiliated to the Federation. The bye-laws of the Federation is enclosed as Annexure-15 to the supplementary affidavit wherefrom it appears that any office bearer of the Zonal Association can be expelled and the Association at the Zonal level be suspended if there is breach of any of the clauses of the bye-laws. From Annexure-2 enclosed with the writ petition, it appears the Railways, having recognized these bodies, only acknowledged the decision of the Apex body on their status. Indisputably, the Federation in the present case informs the Railways about expulsion of the two office bearers of the Association at the Zonal level at Hazipur. It has been submitted by the petitioners that their removal/expulsion is not in accordance with law/provisions contained in the bye-laws. The respondent ECR, therefore, has not acted properly in the matter since the Federation could not have removed/expelled/suspend them without complying with the procedure laid down therefor in the bye-laws. He referred in this regard clause 20 of the bye laws.

Mr. Sinha conversely submitted that through this application,

the petitioners are essentially raising a dispute between the two bodies i.e. the Federation constituted at the Headquarter level and Association at the Zonal/Divisional level affiliated to the Federation. The ECR has only acknowledged the fact which was communicated by the Federation. The order, therefore, cannot be construed as one causing any injury to the parties. If there is any *inter se* dispute between the petitioners being the erstwhile office bearers of the Association at the Zonal level and the Federation at the Headquarter level, the same can be resolved in appropriate forum/proceeding but not in the writ petition which has been filed on the strength of the communications contained in Annexure-8 and 8/A series which are formal in nature.

On a consideration of rival submissions, in my view, the present writ application is camouflaged one. What the writ application alleges is a dispute *inter se* between the Association and the Federation. Mr. Shahi has rightly not submitted that the dispute between the two bodies can be resolved in writ petition.

Regard being had to above, in my view, no relief can be granted to the petitioners in the present writ petition.

The writ application is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

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