

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.146 of 2016

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Ranjit Singh, Son of Late Suraj Dayal Singh (Retired) C.I.T.E.C. Railway, Patna Junction, Resident of A/15, Madhuban Housing Complex, Malahi Pakari, Kankargabh, Patna - 20.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, E.C. Railway, Hajipur.
2. The General Manager (P), E.C. Railway, Hajipur.
3. The Chief Personnel Officer (ADMN), O/O G.M. EC Railway, Hazipur.
4. The Divisional Railway Manager, E.C. Railway, Danapur. null null
5. The Sr. Divisional Personnel Officer, E.C. Railway, Danapur.
6. The Sr. Divisional Commercial Manager, E.C. Railway, Danapur.
7. The Sr. Divisional Financial Manager E.C. Railway, Danapur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Bhushan Sinha with
Mr. Santosh Kumar Singh

For the Respondent/s : Mr. Abbas Haider.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 30-06-2016

Heard learned counsel for the parties.

2. Challenge in the present writ application is to an order dated 25th May, 2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 96 of 2013 whereby the application filed by the petitioner claiming promotion to the post of Chief Inspector of Tickets from 1998 remained unsuccessful.

3. This is the third round of litigation initiated by the



petitioner. Initially the petitioner filed O.A. No. 736 of 2006 claiming promotion with effect from the year 1998. The Tribunal vide order dated 21.12.2006 directed the respondent to take decision on the issue raised by the petitioner. The claim of the petitioner was declined on 30.04.2007. Thereafter the petitioner filed O.A. No. 408 of 2007 in which the Tribunal again directed the authority concerned to re-examine the case of the petitioner but the same was also declined on 18.10.2012. Thereafter the petitioner filed another O.A. No. 96 of 2013 against such order. Such challenge has remained unsuccessful vide the order impugned in the present writ petition.

4. The Tribunal has re-produced the order passed by the competent authority on 18.10.2012 which is under challenge in the present Original Application. The Tribunal also found that the petitioner intentionally defaulted in attending the viva-voce test on 30.12.1996 and 15.07.1997 and that the petitioner cannot be permitted to agitate the matter after a lapse of 15 years.

5. Learned counsel for the petitioner submits that the finding of the Tribunal that there was delay of 15 years in raising the claim is not correct because firstly he raised his grievance in the year 2006. We find that even then the petitioner approached the Tribunal after eight years when he absented from appearing in the viva-voce test.

6. We find that the reason recorded by the authority as also by the Tribunal and also the delay in making a grievance in raising his claim, debars the petitioner from getting promotion with effect from 1998 as he stands promoted in the year 2003.

7. In that view of the matter, we do not find any merit in this writ petition. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Amin/-
N.A.F.R.

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