

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3603 of 2015

Subodh Kumar Mishra, aged about 49 years, S/O Sri Hardeo Mishra, Supervisor P. Way, E.C. Railway Patna and A.E.N. at present J.E./P.Way/E.C. Railway, Patna

.... Petitioner/s

Versus

1. The Union of India through General Manager, E.C. Railway, Hajipur
2. The Sr. Divisional Engineer (Co-ordination) E.C. Railway, Danapur
3. The Divisional Engineer (1) E.C. Railway, Danapur
4. The Asst. Engineer/Track (1), E.C. Railway, Danapur
5. The Asst. Engineer, E.C. Railway, Patna Junction, Patna
6. Sri A.N. Ghosh P.W. (I), E.C. Railway, Jahanabad

.... Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-05-2016

Heard learned counsel for the parties.

2. The order dated 20.01.2011 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the “Tribunal”) in O.A.No. 384 of 2005 is the subject matter of challenge in the present writ application. The Tribunal has directed the respondents to regularize the period of absence of the petitioner either by treating it as on duty with full salary or by granting admissible leave as deemed appropriate in terms of the rules.

3. We find that the petitioner cannot have any grievance against such liberty granted to the respondents, as admittedly the

petitioner was absent from duty. Therefore, an appropriate decision, if the period of absence either as on duty or of a leave of the kind due, has to be taken by the employer.

4. In view thereof, we do not find any illegality in the order passed by the Tribunal which may warrant interference even invocation of jurisdiction by the petitioner.

5. The writ application stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/Anjani

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