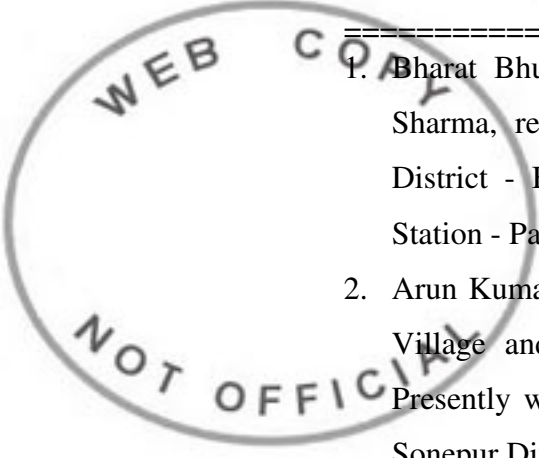


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9379 of 2016

- 
1. Bharat Bhushan Sharma, aged about - 42 years, Son of Sri Bhuneshwar Sharma, resident of Village- Baro Gachhi Tola, P.O- Baro, P.S Fulwaria, District - Begusarai, presently working as Collie License No. 2 , Railway Station - Pasraha, Sonapur Division, E.C, Railway, Hazipur.
 2. Arun Kumar Mahto, Aged about - 33 years, Son of Bhola Mahto, Resident of Village and P.O- Mokhtiyarpur, P.S. Dalsinghsarai, District - Samastipur, Presently working as Coolie License No. 21, Railway Station, Dalsinghsarai, Sonapur Division, E.C. Railway, Hazipur.
 3. Bhola Paswan, Aged about 37 years, Son of Ram Bharos Paswan, Resident of Village - Chaklokman- Mahuatol P.O- and P.S - Dalsinghsarai, District - Samastipur, presently working as Coolie License No. 20, Railway Station, Dalsinghsarai, Sonapur Division, E.C. Railway, Hazipur.
 4. Narayan Paswan, aged about - 46 years, Son of Late Bhabikhan @ Bhabhishan Paswan, Resident of Village - Hawaspur, P.O- Bihat, P.S Barauni, District - Begusarai, presently working as Collie License No. 17, Railway Station, Nawagachhiya, Sonapur Division, .E.C Railway, Hazipur.
 5. Ashok Kumar, Aged about 37 years, Son of Kailu Sah, Resident of Village - Narottampur, P.S. Kajra, District - Lakhisarai, Presently working as Coolie License No. 4, Railway Station, Semapur, Sonapur Division, E.C. Railway, Hazipur

.... Petitioner/s

Versus

1. The Union of India though the Chairman, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi.
2. Director, Establishment (N) II, Railway Board, Government of India, Ministry of Railway, Rail Bhawan, New Delhi.
3. The General Manager, East Central Railway, Hajipur.
4. The General Manager (P), East Central Railway, Hajipur.
5. The Divisional Railway Manager, Sonapur Division, E.C. Railway, Hajipur.
6. The Senior Divisional Railway Manager (Commercial), Sonapur Division, E.C. Railway, Hajipur.
7. The Divisional Railway Manager (Commercial), Sonapur Division, E.C.

Railway, Hajipur.

8. The Deputy Personnel Officer, Sonepur Division, E.C. Railway, Hajipur.

9. The Assistant Personnel Officer, Sonepur Division, E.C. Railway, Hajipur.

.... Respondent/s

Appearance :

For the Petitioners : Mr. Ajoy Kumar Chakraborty, Advocate

For Respondent Nos. 3,4,5 & 6 : Mr. Ashok Kumar Keshri, Sr. Advocate

Mrs. Seema Kumari, Advocate.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 26-10-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order dated 12th of February, 2016 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 050/000147 of 2016 whereby, an Original Application filed by the petitioners for appointment as Gangman under the Railways remained unsuccessful on account of delay and laches.

3. The petitioners are Porters. They claim right of appointment consequent to Circular of the Railway Board dated 1st of April, 2008 (Annexure-3) to appoint Licensed Porters as Gangman. In terms of the said decision, 92 posts of Gangman were advertised. The



petitioners were one of the candidates who applied but were not selected. However, the petitioners invoked the jurisdiction of the Tribunal only in the year 2016. The learned Tribunal found that the Original Application filed by the applicants is delayed as the recruitment process was closed way back in the year 2008 and that the Original Application is totally barred by limitation.

4. A perusal of Annexure-8 shows that the Selection Committee was constituted after the applications were invited by publication in the newspaper "Hindustan". Only nine candidates appeared before the Committee out of which four were found suitable and five unsuitable. In respect of recruitment in the Hajipur Station 158 candidates applied but 14 alone appeared and six candidates were found suitable. Since there were less number of candidates appeared, it was decided to grant another 21 day's notice to the candidates who did not appear for the interview. The wide publication was given by way of publications in the newspaper "Dainik Jagran" and "Hindustan". 6th of August, 2007 and 10th of August, 2007 were the dates fixed for interview. It is thereafter the selection process was completed on 24th /25th of March, 2008 by drawing lottery.

5. As per the petitioners, the petitioners appeared for interview in the second selection process but as the lottery system was resorted to, the petitioners were not fortunate to be successful.

However, the petitioners have taken more than seven years to invoke the jurisdiction of the Tribunal which has rightly found the Original Application to be barred by limitation.

6. We do not find that the claim of the petitioners for appointment can be considered at this stage as the petitioners were not selected in the process which was completed in the year 2008. We do not find any ground to interfere in the writ jurisdiction of this Court.

7. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.10.2016
Transmission Date	