

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20308 of 2014

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Anil Kumar Rai, S/o - Late Bharat Rai, R/o Village + P.O. - Jitwarpur Chauth (Pharpuda), P.S. - Samastipur, Distt. - Samastipru.

.... Petitioner/s

Versus

1. The Union of India through General Manager, East Central Railway, Zonal Office, Hazipur, Patna.
2. The General Manager, East Central Railway, Zonal Office, Hazipur, Bihar.
3. The Divisional Railway Manager, Divisional Office, East Central Railway, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Asha Kumari, Advocate.

For the Respondent/s : Mr. Arun Kumar Arun, Advocate

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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: 21-04-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order dated 5th July 2013 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as “the Tribunal”) in O.A. No. 377 of 2013, whereby the claim of the petitioner for absorption in service against a Class-IV post in the East Central Railway was declined.

3. The claim of the petitioner is that he was engaged as a casual worker in the year 1978 and had completed 240 days of working in the year 1981. He was considered fit for absorption in Class-IV post by the Medical Officer on 04.01.1989 and was given regular pay scale. The petitioner claims that he has not been regularized though many other similarly situated persons have been regularized. He has submitted a number of representations, but the same were not considered.

4. The learned Tribunal found that the cause of action arose to the petitioner in the year 1989 when after medical examination; his name was not included in the live/supplementary live register. The petitioner did not take any steps for redressal of his grievances though some of the other aggrieved persons filed Original Application in the year 1993. Thus, the learned Tribunal held that the petitioner has approached the Tribunal after a long delay. The learned Tribunal also found from the copies of the documents relating to work certificate that he has worked for 128 days from 04.08.1978 to 13.04.1979, for 663 days from 01.12.1980 to 31.01.1983 and from 07.06.1984 to 29.03.1985 total 89 days. In the work certificate, there is no mention of the capacity in which the petitioner was engaged. The learned Tribunal, in view of the fact of the case, relying upon the judgment of the Supreme Court in the case of *S.S. Rathore vs. State of Madhya Pradesh* reported in *AIR 1990 SC 10*, dismissed the Original Application on the ground of delay and laches.

5. In view of the aforesaid fact, we do not find any error in the order of the learned Tribunal, which may warrant interference by this Court.

6. The writ application stands dismissed accordingly.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar
N.A.F.R.

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