

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4124 of 2015

=====

Kamla Prasad, Son of Late Ram Pukar Yadav, Resident of Village - Bela , Post Office- Krishnagarh (Deoria) , Police Station- Arrah Muffasil , District - Bhojpur at Arrah , (Bihar) .

.... Petitioner/s

Versus

1. The Union of India through Chairman of the Railway Board, Govt. of India, Railway Ministry, New Delhi- 110001.
2. The Chairman of the Railway Board, Railway Ministry, New Delhi-110001
3. The General Manager, Eastern Central Railway, Hajipur, Bihar
4. The Divisional Railway Manager, Danapur Division (E.C. Railway), Danapur, Khagaul , Patna.
5. The Traffic Inspector Security, Jehanabad Railway Station (E.C. Railway) Jehanabad , Bihar.
6. The Jehanabad Railway Station Master, Jehanabad, Bihar.
7. The Chairman, Central Administrative Tribunal, Patna Bench, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Deo Raj Kumar Prasad, Advocate.

For the Respondent/s : Mr. Anil Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-07-2016

The challenge is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') whereby an application for condonation of delay in filing the contempt petition was dismissed.

The order in O.A. No. 520 of 2008 is the basis of initiation of contempt proceeding. The petitioner was appointed as Liverman Grade-I, Mugalsarai Division on casual basis on 10.10.1965. His services were regularized on 04.10.1972. As per the stand of the

petitioner, he has been wandering since 26.01.1990, when his mind got upset and has not reported to office or home. He, subsequently, had filed a representation, which was directed to be decided by the Tribunal though there was delay of 18 years in filing of the Original Application in the year 2008.

In terms of direction of the Tribunal, the Divisional Railway Manager passed an order, Annexure-9, which was sent to the petitioner on 04.10.2010. Instead of challenging the said order, the petitioner filed a contempt petition *inter alia* on the ground that the representation was to be decided within three months, but the order has been passed after two years. Therefore, the action of the respondents is contemptuous.

The Tribunal has dismissed the application of condonation of delay in filing the contempt petition. The Tribunal found that the contempt petition should have been filed within one year after the expiry of period of three months. Since, it has been filed after lapse of three years, therefore, the petition was dismissed.

We find that the invocation of jurisdiction by the petitioner is misconceived. The order was passed by the Divisional Railway Manger in October, 2010, but instead of challenging the same, the petitioner has filed a contempt petition that too in the year 2013. An order passed may be after specified period of representation does not

become *non est* or *void*. It is a valid order, which has to be disputed by the aggrieved person in accordance with law. Since, no action has been taken against the order passed by the Divisional Railway Manager, we do not find any ground to interfere with the order passed by the Tribunal refusing to condone the delay and to initiate a contempt proceeding.

It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.07.2016
Transmission Date	