

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7533 of 2015

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Rajaram Mahto, Son of Late Sakaldeo Mahto, Resident of village - Narepurchatti,
P.S. Bachhwara, District – Begusarai, at present working at Jainagar in the post
Technician Grade - III, East Central Railway, Jainagar

.... Petitioner/s

Versus

1. The Union of India through its General Manager, East Central Railway, Hajipur
2. The Divisional Railway Manager, East Central Railway, Samastipur
3. The Divisional Railway Manager (Personnel), East Central Railway, Samastipur
4. The Senior Section Engineer (Samadi Carriage & Wagon), East Central Railway, Samastipur
5. The Senior Section Engineer (Samadi Carriage & Wagon), East Central Railway, Jaynagar
6. Bihari Raut, Son of not known to the petitioner, Presently Posted as Technician Grade - I at Narkatiaganj
7. Martin Graviel, Son of not known to the Petitioner, Presently Posted as Technician Grade - I at Narkatiaganj
8. Suresh Ram, Son of Not Known to the Petitioner, Presently Posted as Technician Grade - I at Narkatiaganj
9. Kishun Ram, Son of not known to the Petitioner, Presently Posted as Technician Grade - I at Narkatiaganj
10. Ram Charitra Rai, Son of not known to the Petitioner, Presently Posted as Technician Grade - II at Jainagar
11. Manish Kumar Choudhary, Son of not known to the Petitioner, Presently Posted as Technician Grade - II at Jainagar
12. Narayan, Son of not known to the Petitioner, Presently Posted as Technician Grade - II at Jainagar
13. Yogendra Sah, Son of not known to the Petitioner, Presently Posted as Technician Grade - II at Jainagar
14. Sonu Kumar, Son of not known to the Petitioner, Presently Posted as Technician Grade - II at Jainagar

15. Malik Rai, Son of not known to the Petitioner, Presently Posted as Technician
Grade - II at Jainagar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chakrapani, Advocate.
Mr. Ravindra Kumar Singh, Advocate.
For the Respondent/s : Mr. Bindhyachal Singh, Advocate.
Mr. Manish Prakash, 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: 28-07-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order dated 16th of December, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 050/00616/2014, whereby an Original Application filed by the petitioner was dismissed as barred by limitation.

3. The petitioner challenged the promotion given vide order dated 7th of October, 2005 in an Original Application filed on 4th of August, 2014. The petitioner claimed condonation of delay in filing the Original Application, *inter alia*, for the reason that he was making representation before the authorities.

4. An Original Application before the Tribunal has to be filed within one year after giving six months to the authorities for the representation to be decided in terms of Section 21 of the Administrative Tribunals Act, 1985. Therefore, even if the representation was not decided, it was incumbent upon the petitioner to invoke the jurisdiction of the Tribunal within the time fixed under the Act.

5. We do not find any error in the order passed by the learned Tribunal which may warrant interference in the present writ application.

6. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.
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