

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6423 of 2015

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Ajay Malakar, aged about 52 years, S/O. Late Ragho Malakar, resident of village-
Bhagat Tola, P.O.- Mathurapur, P.S.- Khagaria, District- Khagaria

.... Petitioner/s

Versus

1. The Union of India, through the General Manger, Eastern Railway Gorakhpur.
2. The Administrative Officer (Construction), East Central Railway, Mahendru Ghat, Patna.
3. The Chief Administrative Officer (Construction) Eastern Railway, Gorakhpur.
4. The Chief Engineer (Construction-1) East Central Railway, Hajipur.
5. The President, P.R. Case Hajipur.
6. The Executive Engineer (Construction) Eastern Railway, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Advocate

For the Respondent/s : Mr. Ashok Kumar Keshri, Senior Counsel
Mr. Kalyan Shankar, Railway Counsel

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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: 10-05-2016

The order dated 14th January 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna in M.A.No. 050/00020/2015 and O.A.No. 050/00030/2015 is the subject matter of challenge in the present writ petition. By the aforesaid order, an Original Application challenging the order of retrenchment of the applicant dated 14th April, 1987 was dismissed on the ground of delay.

As per the counter affidavit, the services of the petitioner was retrenched on 14th February, 1987 and compensation

amounting to Rs. 6335.77p. was paid. However, the petitioner did not dispute the retrenchment in terms of the remedy provided under the Industrial Disputes Act, 1947. Retrenchment is contemplated only under the said Act. Therefore, the remedy against retrenchment has to be availed as provided under the said Act alone. However, the petitioner filed O.A.No. 279 of 2011 challenging his termination in the year 1987 before the Tribunal. The same was dismissed on the ground of limitation. Again, the petitioner has filed the present Original Application for the same relief as claimed in the earlier application.

We find that repeated application claiming the same relief is not maintainable. It is nothing but an abuse of the process of law.

We do not find any merit in the writ petition. It is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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