

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4198 of 2014

Sanjay Kumar Singh, son of Sri Ram Lakhan Prasad Singh, resident of House No.24, L.I.C. Colony, P.O. Chitragupta Nagar, P.S. Patrakar Nagar, Kankerbagh, District- Patna, Bihar. Petitioner.

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur.
 2. The General Manager (P), East Central Railway, Hajipur.
 3. The Divisional Railway Manager, E.C. Railway, Danapur.
 4. The Chief Public Relations Officer, E.C. Railway, Hajipur.
 5. The Deputy Chief Personnel Officer/Gazetted, E.C. Railway, Hajipur.
 6. The Senior Personnel Officer/ESM, E.C. Railway, Hajipur.
 7. Sanjay Kumar Prasad, son of not known, Publicity Inspector, E.C. Railway, Hajipur, presently posted as Sr. Publicity Inspector, E.C. Railway, Danapur.
 8. Tanbirul Haque, son of not known Publicity Inspector, E.C. Railway, Danapur, presently posted as Sr. Publicity Inspector, E.C. Railway, Danapur.
- Respondents.

Appearance :

For the Petitioner : Mr. Shekhar Singh, Adv.
Mr. Shree Nivas Madhuvan, Adv.
For the Respondents : Mr. M.P. Dixit, Adv.
Mr. Sanjay Kumar Choubey, Adv.
For the Railway : Mr. Madhuresh Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

C.A.V. JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 26-02-2016

In this writ petition, the petitioner challenges the order dated 10.09.2013, passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter in brevity 'Tribunal'),

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passed in O.A. No.259 of 2009, dismissing the said application filed by the writ petitioner claiming seniority over respondent no.7.

We have heard learned counsel for the petitioner, respondent no.7 and the railway at length for final disposal of the writ petition at this stage itself.

From the order of the Tribunal, it appears that the writ petitioner and the contesting respondents came to East Central Zone of the Railway from the other zones. The writ petitioner claims that he was transferred on administrative ground, whereas respondent no.7 came on his own request. The contention of the writ petitioner appears to be that as respondent no.7 came on his own request, he would lose his seniority and, consequently, the writ petitioner would be senior to him. It was also urged that the writ petitioner was in a higher pay-scale than the respondent no.7 and, thus, Railway was incorrect in granting respondent no.7 seniority over the writ petitioner. The Tribunal, for the reasons recorded in its detail order, rejected the claim of the writ petitioner and, hence, this writ petition.

In course of hearing, our attention was drawn to I.A. No.4295 of 2014, which had been filed by one Prithvi Raj. In this interlocutory application it was categorically stated, the fact which

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has been admitted by the writ petitioner in course of hearing, that subsequently, there had been promotional examination for the promotion to the post of Public Relation Officer vide notification dated 03.02.2014. Apart from others, the writ petitioner and respondent no.7 sat for the said examination. One of the conditions was that only if a person qualifies in the written examination, he would be considered for empanelment for being considered for promotion. The writ petitioner could not qualify in the written test and, thus, he was not empanelled. Respondent no.7 has since been promoted to the higher post. The seniority, as between the petitioner and respondent no.7 in the lower grade, as was in dispute earlier, thus, in our view, loses all significance and is a question of academic interest only.

We are, thus, not inclined to go into the disputes as before the Tribunal because it is now rendered irrelevant because of these subsequent events. Accordingly, the writ petition is dismissed.

(Navaniti Prasad Singh, J.)

Hemant Gupta, J. I agree.

(Hemant Gupta, J.)

Trivedi/NAFR

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