

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11382 of 2015

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1. Sunil @ Sunil Kumar, Son of Sri Ram Nawmi Singh, resident of Village Benipur, P.O.- Karouta, Distt.- Patna
 2. Shankar Prasad, Son of Ram Nath Prasad Gupta, resident of Village + P.O.- Karagola Road, Guru Bazar Bari Nagar, Distict- Katihar.
 3. Manoj Kumar, Son of Nageshwar Singh, resident of Village- Auliabad, P.O.- Hayaghat, District- Darbhanga.
 4. Randhir Kumar, Son of Maheshwar Singh resident of Village+P.O.- Gushrema, District- Darbhanga.
 5. Md. Salim, Son of Md. Jakhirul Hassan, Resident of Village- Balbhadrapur, P.O.- Gaopur, District- Samastipur.
 6. Shyam Deo, Son of Gopal Prasad Gupta, Resident of Village + P.O.- Hayaghat Bazar, District- Darbhanga.
 7. Deepak Kumar, Son of Late Bhulan Singh, resident of Village + P.O.- Maniyarpur, District- Vaishali.
 8. Balister Kumar, Son of Late Bhulan Singh, resident of Village + P.O.- Maniyarpur, District- Vaishali.
 9. Sudhir Kumar, Son of Suresh Singh, resident of Village- Nardipur, District- Patna.
 10. Nand Kishore, Son of Devendra Prasad, resident of Village + P.O.- Baijalpur, Nayatola, Distt.- Saran.
 11. Sant Kumar, Son of Late Narayan Singh, resident of Village- Sirkuhia, P.O.- Jaitpur, Distt.- Muzaffarpur.
 12. Ranjan Kumar, Son of Bhujawan Manjhi, resident of Village- Ram Nagar, P.O.- Sardha, Distt.- Saran

.... Petitioner/s

Versus

1. Union of India through Sr. Divisional Personnel Officer, E.C. Railway, Sonpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. None
For the Respondent/s : Mr. Naresh Dixit, Advocate
Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 11-08-2016

In spite of repeated calls no one appears for the writ petitioner. Counsel for the Railways is present.

We have perused the order of the Central Administrative Tribunal, Patna Bench Patna and are not inclined to interfere in the matter.

The writ petitioners challenged the order dated 26.02.2014, passed in Review Application No. 49 of 2006 which was filed by the Railways who were respondents in O.A. No. 412 of 2003. The original applicant before the Tribunal had filed O.A. No. 412 of 2003 for a direction to the Railway Authorities of East Central Railway, Sonapur to provide the work on basis of their enlistment/ appointment by order dated 12.04.1996 as Safaiwala substitutes. It appears that upon consideration of the case the said O.A. application was allowed by the Member Judicial of the Tribunal by judgment and order dated 09.09.2005 directing the Railways to provide the work according to their seniority treating them to be enlisted as on 12.04.1996. Two of the applicants being applicant nos. 13 and 14 were directed to approach the Department by representation to be decided accordingly.

Railways, it appears filed a review application with an application for condonation of delay in filing the review application seeking review on the ground that certain papers could not be brought on record and if brought on record would show that the order was obtained by the petitioners upon misrepresentation of facts.



The Tribunal dismissed the miscellaneous application and the review application against which the Railways came to this Court in C.W.J.C. No. 12707 of 2010 which was allowed and the Tribunal was directed to reconsider the matter in the review application. Accordingly, the review application was taken up and as noted above was allowed. By the same order the OA application was also disposed of. The Tribunal noted in the review application that the petitioners had given wrong facts. They have filed documents with signature of senior officer, whereas the officers had filed affidavit clearly denying their signatures. The petitioners had produced a list showing the length of enlistment with the Railways. The Tribunal has noted that that list appears to be forged and fabricated, inasmuch as, where date of birth of various persons as shown to be 80 to 81, they have claimed that they had been working under the Railways since 1980. In one case the date of birth is shown as 30.02.1980. Upon these facts the Tribunal reviewed its earlier order passed in O.A. No. 412 of 2003 also and directed that the applicants would make detailed representation individually to the Railways and Railways would consider it in accordance with law and pass appropriate orders. Thus, in our view, the order is not to the prejudice of the applicants in any event. The claim of the applicants has not been dismissed. The only thing is that the applicants have been asked to make detailed representation to the

Railways, which would consider and pass appropriate orders. We are, thus, not inclined to interfere in the matter. This application is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

AFR/NAFR	NAFR
CAV DATE	
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