

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5738 of 2015

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Nawal Kishore Singh, Son of Late Bilaiti Singh, Resident of Village - Khutadihai, Barahiya, District - Lakhisarai, At present House No. 15A, Ganga Bridge Colony, East Central Railway, Gharhara, District-Begusarai, Pin-851126.

.... Petitioner/s

Versus

1. The Union of India through the Chief General Manager, East Central Railway, Hajipur.
2. The Divisional Railway Manager, East Central Railway, Sonapur Division, Sonapur.
3. The Divisional Railway Manager (Personnel), East Central Railway, Sonapur Division, Sonapur.
4. The Chief Yard Master, Garhara Yard, East Central Railway, Gharhara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Ashok Kumar Keshri, Sr. Railway Counsel
Mrs. Sudha Ambastha, Railway 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: 10-05-2016

The order dated 18.12.2014 passed by the Central Administrative Tribunal, Patna Bench, Patna in O.A. No. 50/00843/2014 is the subject matter of challenge in the present writ petition.

The petitioner has claimed payment of his salary on account of 6th Pay Commission with effect from 01.01.2006 and also for promotion to the post of Chief Train Clerk with effect from 13.09.2005 instead of 07.02.2006.

The learned Tribunal dismissed the Original Application on

the ground that it is barred by limitation as the petitioner has not approached the Tribunal within one and half year of non-redressal of his grievance as per Section 21 of the Administrative Tribunals Act, 1985. The Tribunal found that not only the petitioner has attached any impugned order but he continued in service for several years after fixation of pay, therefore running of time goes against the petitioner.

Learned counsel for the petitioner argued that non-fixation of salary in terms of recommendation of the 6th Pay Commission confers the renewed cause of action, therefore, there cannot be any delay in invoking the jurisdiction of the Tribunal.

We do not find any merit in the said argument. The stand of the respondents in the counter affidavit is that in fact salary of the petitioner was re-fixed as per the 6th Pay Commission and that the petitioner could not be promoted to the post of Chief Train Clerk on account of lack of vacancy.

In view thereof, we do not find any merit in the present writ petition. It is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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