

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16612 of 2014

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1. The Union of India through the General Manager, East Central Railway, Hajipur
 2. The General Manager (Signal & Telecommunication), East Central Railway, Hajipur
 3. The General Manager (Project & Planning), East Central Railway, Hajipur
 4. The Divisional Railway Manager, E.C. Railway, Sonpur
 5. The Divisional Railway Manager (Signal & Telecommunication), E.C. Railway, Sonpur
 6. The Divisional Railway Manager (Personnel), E.C. Railway, Sonpur
- Petitioner/s

Versus

1. Sureshwar Prasad Singh, Son of Sri Yadubansi Singh, resident of Village - Matihan, P.S. Dighwara, District - Chapra
2. Jai Ram Singh, son of Sri Radhika Singh, resident of Akilpur, P.S. Sonpur, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Ravi, Advocate.

For the Respondent/s :

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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: 10-08-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order dated 30th of October, 2013 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 569 of 2004, whereby an Original Application filed by the respondents (hereinafter referred to as “the applicants”) was allowed imposing a cost of Rs. 1,00,000/- upon the petitioners herein i.e. Rs. 50,000/- to each of the two applicants.

3. The applicants have sought correction in their

seniority position in an Original Application filed before the Tribunal. Admittedly, the petitioners herein admitted their error in seniority determination. Thus, the Tribunal directed the petitioners herein to correct the seniority of the applicants and for appropriate revision in the pensionary and post retiral benefits. Since the applicants could not work on the higher post, the arrears of salary were not granted.

4. We have heard learned counsel for the parties and find that the grant of cost, when the error is admitted by the Railways, is not sustainable. There can be mistakes and mistakes happen at different levels. Therefore, once the mistake is admitted, the cost should not have been imposed.

5. Consequently, the order of imposing cost is set aside. However, the petitioners are directed to compute the retiral benefits of the applicants in the revised pay-scale expeditiously, preferably within a period of six months.

6. The writ application stands disposed of accordingly.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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