

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4535 of 2014

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Sayid Mohammad Taquiullah S/O Late Md. Massibullah, Resident Of
Hasib Villa, Opposite Masjid, Road No. 3-J New Patliputra Colony, P.S. -
Patliputra Colony, Patna - 13

.... Petitioner

Versus

1. The Union Of India Through General Manager, Eastern Railway, 17,
Netajee Subhash Chandra Road, Fairly Place, Kolkata
2. The Chief Personnel Officer, Eastern Railway, 17, Netajee Subhash
Chandra Road, Fairly Palace, Calcutta - 1
3. The Deputy General Manager (G) Eastern Railway - 17, Netajee Subhash
Chandra Road, Fairly Place, Kolkata - 1
4. The Chief Works Manager, Eastern Railway Workshop, Jamalpur, P.S. -
East Colony, Jamalpur, P.O. - Jamalpur, District - Munger
5. The Assistant Personnel Officer, Eastern Railway Works Jamalpur, P.O. -
Jamalpur, Distt. Munger

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Bilash Mahto
Mr. Chandra Kumar Verma
Mr. Brajesh Kumar Pandey
For the Respondent/s : Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

3 29-02-2016 Heard learned counsel for the petitioner.

The petitioner has preferred this writ petition for quashing an order dated 27th May, 2013, passed by the Central Administrative Tribunal, Patna Bench, Patna, in OA No. 644 of 2009. Earlier, the petitioner filed OA No. 628 of 1999 claiming refixation of his pay from April 1998. The said OA was decided on 3rd June 2005. In terms of the said order, the pay of the petitioner was refixed. After the refixation of



his pay, the petitioner sought information on 23.1.2006 on which the Chief Personnel Officer informed the petitioner the details of order passed by the authority by his letter dated 24th November 2006. Almost three years thereafter the petitioner had invoked the jurisdiction of the Central Administrative Tribunal. The Tribunal has dismissed the application on the ground that it is barred by limitation.

Learned counsel for the petitioner vehemently argued that the petitioner has filed Miscellaneous Application for condonation of delay as he sought information under RTI Act, which was granted on 24th November 2006. He filed an OA soon thereafter. Therefore, the delay should have been condoned by the Tribunal.

It is not a case of the petitioner that he was not aware of his rights available. He invoked the jurisdiction of the Administrative Tribunal earlier when it passed an order on 3rd June 2005 directing the respondents to refix his salary. The salary was refixed as per order dated 17.10.2005. The information regarding the order was supplied to him on 24th November 2006. The petitioner slept over for almost three years as he invoked the jurisdiction of the Tribunal on 16th November 2009.

We find that there is no reasonable cause disclosed by the petitioner to seek indulgence for condonation of delay.

The order of the Tribunal does not suffer from any illegality or irregularity which may warrant interference by this Court.

The writ petition is dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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