

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6610 of 2016

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1. The Union of India through its General Manager, East Central Railway, Hajipur.
 2. The General Manger, Personnel, East Central Railway, Hajipur (Vaishali).
 3. The Divisional Railway Manager, Danapur Division, Danapur.
 4. The Divisional Manaer(Personnel), Danapur Division, Danapur.
 5. The Senior Divisional Personnel Officer, Danapur Division, Danapur.
 6. The Railway Board, through its Chairman, New Delhi.

.... Petitioner/s

Versus

Manoj Bihari, son of late Banke Bihari Karn, resident of Flat No. 302, Shyama Palace, near Singh Petrol Pump, Baily Road, Patna, Post Office- Veterinary College, P.S.- Rukunpura, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar Sinha, AAG-2
Mr. Amresh Kumar Singh, Advocate.
For the Respondent/s : Mr. Shailendra Kumar, Advocate.
Mr. Umesh Pathak, Advocate
Mr. Kamlesh Prasad Singh, 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: 20-05-2016

Heard Sri D.K. Sinha, learned Senior Counsel for the writ petitioners-Railways.

This writ petition has been filed being aggrieved by the order of the Central Administrative Tribunal, Patna Bench, Patna dated 20.02.2014 passed in O.A. No. 141/2014.

Having gone through the order impugned, we are not inclined to interfere in the matter, inasmuch as, the Tribunal has not decided anything. The Tribunal has given liberty to the applicant



before, it to make a representation before the Railways, which representation would be considered in terms of the order of the Allahabad Bench of the Central Administrative Tribunal and the authorities would take a decision in the matter appropriate to the facts of the case. The matter being thus remanded for fresh consideration, we do not think it appropriate for us to interfere in the matter as there was no decision taken by the Tribunal. We are of the view that it is for the Department now to take a decision in the matter upon the representation as directed by the Tribunal. As the matter was decided by the Tribunal sometime back and the representation has not yet been decided, we are informed at the Bar that a contempt proceeding has been sought to be initiated. If the authorities take a decision in the matter within four months from today, the Tribunal will not proceed with the contempt proceeding as filed before it.

With these observations, the writ petition stands disposed of.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/Anjani

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