

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5487 of 2015

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Gauri Shankar Biswas, son of Late Kshitish Chandra Biswas, residents of village-
Raghunathpur, via-Tehlalta, Police Station-Raghunathpur, District-Nadia, West
Bengal.

.... Petitioner

Versus

1. Union of India through the General Manager, East Central Railway, Hajipur.
2. Central Manager, East Central Railway, Hajipur.
3. Divisional Railway Manager, East Central Railway, Samastipur.
4. Loco Foreman, East Central Railway, Saharsa.

.... Respondents

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Appearance :

For the Petitioner : Mr. Baidya Nath Thakur, Advocate

For the Respondents : Mr. Anil 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: 05-05-2016

The challenge in the present writ petition is to an order dated 07.04.2011 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short, 'the Tribunal') whereby an Original Application (O.A. No.190 of 2007) filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 was dismissed for non-prosecution and also the order dated 01.08.2013 whereby an application for restoration of said the Original Application dismissed for non-

prosecution was also dismissed.

The Tribunal has dismissed the Original Application for the reason that none appeared on behalf of the petitioner on number of occasions. Similarly, in the restoration application also none appeared for almost one and half years. Though there is no sufficient cause made out for condoning the delay in filing of the restoration application, but to find out that injustice may not fall on the petitioner, we have examined the claim of the writ petitioner on merits as well.

Earlier Original Application bearing O.A. No.547 of 2003 filed by the petitioner was decided on 06.10.2004 with the direction to the respondents to pass an order treating the Original Application as the representation. The claim of the petitioner was that he should be granted promotion with retrospective effect at par with one Sheo Nandan Rai. In pursuance of such direction, an order has been passed on 11th January, 2007 wherein it has been held that Sheo Nandan Rai is senior to the petitioner as his name appeared at serial no.90 whereas the petitioner is at serial no.95. Sri Sheo Nandan Rai had been given deemed promotion of Fire Man with effect from 10.12.1975 and Shunter with effect from 17.04.1978, whereas no such promotion was given to the petitioner. Thus, the petitioner cannot claim any parity with Sri Sheo Nandan Rai.

We do not find any error in the order passed by the

learned Tribunal which may warrant interference in the writ jurisdiction of this Court. The writ application, thus, stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N.A.
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