

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19158 of 2014

=====

Ram Balak Rai, Son of Late Ram Lekha Rai, R/O Village- Rampur Vishun, P.S.-
Warishnagar, District- Samastipur

.... Petitioner/s

Versus

1. The Union of India through the Secretary Railway Board (Rail Bhawan), New Delhi
2. The General Manager, North East Railway Varanasi
3. The Divisional Railway Manager, North East Railway, Varanasi
4. Sr. Divisional Electrical Engineer North East Railway, Varanasi
5. Divisional Electrical Engineer, N.E. Railway, Varanasi
6. Assistant Electrical Engineer, North East Railway, Varanasi
7. Sr. Loco Foreman North East Railway, Varanasi
8. Loco Foreman North East Railway, Chhapra Station

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Mr. Niranjana Kumar,
and Mr. Kumar Chiranjeev Rai, Advocates

For the Respondent/s : Mr. Anil Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-04-2016

The order dated 7th March, 2003 passed by the Central Administrative Tribunal, Patna Bench, Patna, in O.A.No. 0.733 of 2003, is the subject matter of challenge in the present writ petition. Before the Tribunal, challenge was to removal of the petitioner from service vide order dated 19th October, 1994.

The petitioner submitted a representation against his removal on 21st December, 1994 (Annexure 5) but still has invoked the jurisdiction of the Tribunal nine years later when he filed the

Original Application in question. An order of removal results into ceasation of the relationship of employer and employee and has to be disputed by an appropriate action within the period of limitation. Since the period of limitation under Section 21 of the Administrative Tribunals Act, 1985 is one year, the same could be challenged within the period prescribed. Invocation of jurisdiction of the Tribunal in the year 2003 is beyond the period of limitation. In the case of **State of Punjab vs. Gurdev Singh (AIR 1991 SC 2119)**, the Supreme court has observed that action against an order of termination has to be initiated within the period of limitation.

Since the petitioner is holding a civil post under the Union of India, therefore, in terms of the Administrative Tribunals Act, 1985 he can dispute his removal within a period of one year. Since the petitioner has not invoked the jurisdiction within the period prescribed by law, therefore, we do not find any error in the order passed by the learned Tribunal.

This writ petition is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

mrl.

U			
---	--	--	--