

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7390 of 2016

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Manoj Kumar, Son of Late Rajendra Prasad Singh, resident of Ranjan Path (Back of Nishu Timber), Baily Road, Danapur, Patna-801503 (Bihar), Working as Reservation Supervisor-II, E.C. Railway, Danapur, Patna (Bihar).

.... Petitioner/s

Versus

1. The Union of India represented through the General Manager, East Central Railway, Hajipur (Bihar)
2. The General Manager (Personnel), East Central Railway, Hajipur (Bihar)
3. The Divisional Railway Manager, E.C. Railway, Danapur Division, Danapur (Bihar)
4. The Divisional Railway Manager (Personnel), E.C. Railway, Danapur Division, Danapur (Bihar)
5. The Additional Divisional Railway Manager, E.C. Railway, Danapur Division, Danapur (Bihar)
6. Sr. Divisional Commercial Manager, E.C. Railway, Danapur Division, Danapur (Bihar)
7. The Divisional Commercial Manager, E.C. Railway, Danapur Division, Danapur (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Jha, Advocate.

For the Respondent/s : Mr. Ashok Kumar Keshari, Senior Railway Advocate.
Mrs. Sudha Ambastha, 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: 08-08-2016

The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the "Tribunal") on 10.04.2014 whereby

Miscellaneous Application in an Original Application under Section 19 of the Administrative Tribunal Act, 1985 (hereinafter referred to as the 'Act') for condonation of delay was not entertained and the Original Application was dismissed as barred by limitation.

The petitioner was imposed punishment of reduction of the salary to the initial scale in the same time scale of one year on 03.02.2005 by the Senior Divisional Commercial Manager, East Central Railway, Danapur. The petitioner filed an appeal which was dismissed on 04.04.2006 by the Additional Divisional Railway Manager, East Central Railway, Danapur Division, Danapur on 27.03.2006.

The grievance of the petitioner is that thereafter he has filed review, Annexure-11 before the General Manager, East Central Railway, Hajipur, Vaishali, sent on 08.08.2006 under registered post. But since, review application has not been decided, therefore, his Original Application cannot be said to be barred by limitation.

In the written statement before the Tribunal, the stand of the respondents is that representation was not routed through proper channel, hence, no record is available in the office. Though, the said review is said to have been submitted on 08.08.2006, but the petitioner filed an Original Application under Section 19 of the Act only in the year 2012. Even if, review was not decided within six

months, the petitioner was expected to invoke the jurisdiction of the Tribunal in next one year in terms of section 21 of the Act. Having failed to avail the remedy within the time prescribed, it cannot be said that there is any error in the order passed by the Tribunal, which may warrant interference in the writ jurisdiction of this Court.

It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	12.08.2016
Transmission Date	