

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5176 of 2017

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1. Kameshwar Prasad, Son of Late Nanhak Ram, Resident of Village-illage-Katari Hill, P.S.-Chaundauti, District-gaya
 2. Dinesh Kumar Rai, Son of Late Yogendra Shukla, Village-Govindpur Jhakharaha, P.S. Rajapakar, District-Vaishali
 3. Rajendra Kumar Sharma, Son of Late P.N. Sharma, Mohalla-Loko Colony, quarter No.118e, P.S.-Khagaul, District-Patna.
 4. Ram Lagan Vishwakarma, Son of Dukhi Mistry, Mohalla-Officer Colony, Quarter No. 413 Ab, P.S.-Khagaul, District-Patna.

.... Petitioner/s

Versus

1. The Union of India, through the General Manager, E.C. Railway, Hajipur
2. The Chief Personal Officer, E.C. railway, Hajipur.
3. The Divisional Railway Manager, E.C. Railway, Danapur
4. The Senior Divisional Personal Officer, E.C. Railway, Danapur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghwendra Sharan Pandey, Advocate

For the Respondent/s : Mrs. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 09-05-2017

Heard counsel for the petitioners and counsel for the
Union of India i.e. Railways.

The impugned order is dated 18.10.2016 passed in
O.A. No. 744 of 2016. The Central Administrative Tribunal after
hearing the parties has dismissed the O.A. on two grounds that the
challenge is being made to circular dated 25.05.2004 in the year 2016
that too when in the previous round of litigation, which was O.A. No.
468 of 2006, no such challenge was shown. Only after the previous



O.A. No. 468 of 2006 was disposed of with certain observations and finding, now as a via-media attack is on the circular, which was very much available for challenge in the first round of adjudication.

This was the reason why the Tribunal besides delay observed that the O.A. is also barred by res judicata as the same issue cannot be re-agitated, which was considered and decided in the year 2014 in O.A. No. 468 of 2006.

Both the reasons are good and valid reasons not to extend any relief in relation to the impugned order. The writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

Arjun/-

(Nilu Agrawal, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11 .05.2017
Transmission Date	NA

