

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10675 of 2017**

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1. The Union Of India through the General Manager (Vigilance), North East Frontier Railway, Gorakhpur.
  2. The Divisional Railway Manager, East Central Railway, Samastipur.Bihar.
  3. The Assistant Divisional Railway Manager, East Central Railway, Samastipur, Bihar.
  4. The Senior Divisional Commercial Manager, East Central Railway, Samastipur.Bihar.
  5. The Senior Divisional Manager (Personnel), East Central Railway, Samastipur, Bihar.
  6. Sri Uday Shankar Jayswal, the Enquiry Officer-Cum-Assistant Comercial Manager, E.C.R., Samastipur.

.... .... Petitioner/s

Versus

Narayan Prasad Shah, S/o Late Chattu Ram Sah, Resident of Gulzarbagh, Ward No.-20, S.N. Das Road, Madhepura, P.S.-Madhepura, District-Madhepura.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Siddhartha Prasad

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 04-09-2017**

Heard counsel for the Union of India.

Perused the order dated 07.03.2017 passed in O.A.

353 of 2015. We are in agreement with the observation of the Central Administrative Tribunal, Patna Bench, Patna that the departmental proceeding cannot carryon from eternity to eternity. The initial departmental proceeding was started in the year 1998. The same culminated into an order of termination, which was challenged



before the CAT. Thereafter, the matter travelled to the High Court for the reasons noted by the High Court in the Writ, the punishment was quashed and a time frame was fixed for three months to conclude the proceeding de-novo. That order was passed in the year 2008. Nothing has been done even in the last nine years. Not only this, the Tribunal also took note of the fact that when the order of the High Court was passed the delinquent had already retired in the year 2007.

The failure is on the part of the Railway authorities. Despite having been given an opportunity in February, 2008, nothing has been done till 2017. In these factual matrix and looking at the nature of the allegations that the private respondent had overcharged certain passengers and had illegally collected Rs.14.50, he has been punished enough.

Writ has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

Arvind/-

**(Rajeev Ranjan Prasad, J)**

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