

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12483 of 2016

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1. Parmeshwar Pd. Singh son of Late Shiv Pujan Singh resident of Village - Rupaspur, Chulhai Chak, P.S.- Rupaspur, Danapur, District- Patna
 2. Raj Kumar son of Late Jagnarayan Singh resident of village - Rupaspur, Chulhai Chak, P.S.- Rupaspur, Danapur, District-Patna
 3. Kamlesh Chaudhary son of Late Lachaman Chaudhay and Late Bedamiya Devi resident of Village Rupaspur, Chulhai Chak, P.S.- Rupaspur, Danapur, District-Patna

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Railways Board, Ministry of Railways, New Delhi
2. The General Manager, East Central Railways Ministry of Railway, Hajipur
3. The D.R.M., East Central Railways, Ministry of Railway, Hajipur
4. The Chief Engineer, Construction, Ganga Bridge East Central Railways, Digha Ghat, Patna
5. The Deputy Chief Engineer, Construction, Ganga Bridge East Central Railways, Digha Ghat, Patna
6. The State of Bihar through the Secretary and Commissioner, Revenue and Land Reforms Department, Govt. of Bihar, Patna
7. The District Magistrate-cum-Collector, Patna
8. The District Land Acquisition Officer, Patna
9. The District Magistrate-cum-Collector, Saran, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anupa Nand Jha, Advocate
For the Railway	:	Mr. Priya Ranjan, Advocate
For the State	:	Mr. Anant Prasad Singh, S.C. -15
		Mr. Sanjay Kumar, AC to SC-15

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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: 28-02-2017

Heard counsel for the petitioners, counsel for the
Railway and the counsel for the State.

2. There seems to be an infirmity in the order
dated 19th August, 2015 passed by the Central Administrative
Tribunal, Patna Bench, Patna in OA No. 576 of 2015. The



petitioners had been pursuing the matter, one of them being filing of writ before the High Court. Since the High Court relegated these petitioners to the Tribunal on 17.01.2014, the O.A. should not have been dismissed summarily.

3. Pursuing remedy in a *bona fide* manner before the High Court and even observance by the High Court that it will be open to the petitioners to take a plea that they were pursuing remedy before this Court in the matter of condonation of delay, is a good ground to set aside the order dated 19th August, 2015.

4. The Tribunal, therefore, has committed a patent error by calculating the delay from the date of the decision dated 11.07.2012 instead from the date of order passed by the High Court on 17.01.2014.

5. The writ is allowed, the impugned order is quashed and the matter is remitted back to the Tribunal for a fresh decision preferably on the merit and not on the technicality as above.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
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