

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14488 of 2016

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Ram Sharan Mallick, S/o Late Biranchi Mallick, Resident of Mohalla- Ward No. 5,
P.O. P.S. & District-Khagaria

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Railways Board, Railway Ministry, New Delhi
2. The Divisional Railway Manager, (Personal) Eastern Middle Railway, Sonpur
3. The General Manager, Zonal Office, Eastern Railway, Hazipur
4. The Station Superintendent Khagaria Railway Station (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate
Mr. Shyama Kant Singh, Advocate
For the Railways : Mr. Siddhartha Prasad, 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: 17-03-2017

Central Administrative Tribunal, Patna Bench, Patna has dismissed MA 21/2016 refusing to restore OA 852/2015, which was dismissed for default. This order is being challenged in this writ application. The Court has gone through the order of the Tribunal. So far as the reason assigned for refusing to restore the OA is concerned, the view taken by the Tribunal that the plea of the lawyer falling sick on the dates due to some cardiac issues was not made out by any evidence or material annexed with the MA.

Besides the above fact, it seems that in larger interest of



justice the Tribunal also went into the merits of the OA to test whether the case if at all was worthy of consideration. The findings are that the petitioner was trying to take advantage of 10 years of service by trying to alter his date of birth from 17.03.1955 to 17.03.1965. The Tribunal has noticed from the records that the petitioner had himself stated his age as 57 years on 12.05.2012 and in addition to that if the claim of the petitioner that he was born on 17.03.1965 was accepted then he would be only of eight years of age when he entered service of the Railways in 1973. Obviously, the claim for such change of date of birth was with the object of gaining employment for additional 10 years without any substantial basis, evidence or material available in support of such claim.

No purpose, therefore, would be served by interfering with the order of the Tribunal in this writ application. The writ application is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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