

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.455 of 2016

In
Civil Writ Jurisdiction Case No. 4918 of 2010

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Ramanand Tuddu Son of Jaipal Tuddu, Ex-C/No.836, Junior Engineer-I, Crane Shop, Eastern Railway Jamalpur Work Shop under Munger District, resident of Village- Mandara, P.O.- Gobadda, P.S.- Haveli- Kharagpur, District- Munger.

.... Petitioner

Versus

1. The Union of India through General Manager Eastern, Railway 17 Netaji Subhash Chandra Bose Fairly Palace Kolkata.
2. Chief Works Manager, Eastern Railway Jamalpur Works Shop, Jamalpur, District- Munger.
3. Chief Mechanical Engineer, Eastern Railway, Calcutta, Fairly Palace Kolkata.
4. Deputy Chief Mechanical Engineer (Crane) Eastern Railway Jamalpur Workshop Jamalpur, District- Munger.
5. Assistant Work's Manager (Crane)-cum Enquiry Officer, Eastern Railway Jamalpur, District- Munger.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dinesh Kumar Gupta

For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

and

HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL)

5 17-04-2017

We have heard Mr. Dinesh Kumar Gupta in support of the present review application as well as Mr. Anil Kumar Sinha for the Railways.

The present application seeks review of the order dated 30.05.2010 passed in C.W.J.C. No. 4918 of 2010.

The review petitioner was an employee of the



Railways. He was departmentally proceeded against for remaining absent from his duty and was punished in the year 1998. The review petitioner preferred appeal thereagainst which was rejected. Thereafter, he challenged the said order before the Hon'ble Central Administrative Tribunal (for short 'CAT'). Vide an order dated 19.11.2009, his original application was rejected. Aggrieved thereby, the writ petition was filed which was considered and rejected by a well reasoned order. Several years thereafter, the present review application has been filed on 06.10.2016.

It is submitted that the order suffers from error of record as the fact that no second show cause was given to the appellant was not taken into account.

Learned counsel for the Railways, on the other hand referring to the statements made in the review application, submits that on his own showing in normal course, he would have retired from service on 31.05.2015. The present review application is filed in 2016. Apart from non maintainability of the review application on the ground stated therein, it is also a case where there has been enormous delay in filing the review application. In the garb of review it is submitted, a rehearing of the writ petition can be granted to the review petitioner.



On consideration of the submissions made by the parties and on going through the record(s), we are satisfied the present review application is wholly misconceived apart from being barred by the well recognized principles of unexplained delay and laches.

Review Application is dismissed.

(Kishore Kumar Mandal, J)

(Sanjay Kumar, J)

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