

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.459 of 2016

In
Civil Writ Jurisdiction Case No. 23065 of 2013

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1. The Union Of India Through The General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
 2. The General Manager (Personnel), East Central Railway, Hajipur, District- Vaishali (Bihar).
 3. The Divisional Railway Manager, East Central Railway, Danapur, P.O- Khagaul, District- Patna, (Bihar).
 4. The Senior Divisional Personnel Officer, East Central Railway, Danapur, P.O- Khagaul, District- Patna (Bihar).
 5. The Senior Divisional Engineer (Co- Ordination), East Central Railway, Danapur, P.O- Khagaul, District- Patna (Bihar).

.... Petitioners

Versus

Bindhyachal Sharma, S/O Late Lal Bahadur Sharma, Senior Trackmen Under Senior Section Engineer, (Permanent Way), East Central Railway, Arrah (Bihar).

.... Respondent

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Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
Mr. Anil Singh, Advocate

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

3. 23-02-2017 By this review application, while seeking review, it is submitted on behalf of the railways that the assumption of this Court in the judgment under consideration, that the promotions were based on merit-cum-seniority, was wrong.

We may note that firstly in the judgment itself we had noted that the promotions are on the basis of merit-cum-seniority which is not in dispute. This position



was not in dispute there. It is now being disputed in the review application with reference to Rule 219 which has been appended. A reference to the entire lengthy Rule 219 would clearly indicate and schedule 219(g) that selection should be primarily made on behalf of overall merit. If this be so, then, it is undoubtedly promotions on the basis of merit-cum-seniority and not seniority-cum-merit. We may mention that when Rule 219(i) talks of seniority, it talks of seniority of merit and not seniority simplicitor.

In that view of the matter, the review application is misconceived, and dismissed as such.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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