

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18422 of 2014

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1. The Union of India through the Chairman, Railway Board, New Delhi.
 2. The General Manager, East Central Railway, Hajipur.
 3. The Divisional Railway Manager, East Central Railway, Danapur.

.... Petitioner/s

Versus

1. Sahdeo S/o Late Nanko, Village - Kavar, P.S. - Jhajha, District- Jamui.
2. Baijnath S/o Late Tak Lal Village - Banibak, P.S. - Jhajha, District - Jamui.
3. Satyanarayan S/o Late Kanhai, Village - Dhapari, P.S. - Jhajha, District- Jamui.
4. Basudev S/o Late Somar, Village - Dhapari, P.S. - Jhajha, District- Jamui.
5. Mahadeo S/o Late Hari Village - Tilbariyar Sono, P.S. - Sono, District- Jamui.
6. Kaleshwar S/o Tipal Village - Fatehpur, P.S. - Jhajha, District- Jamui.
7. Shibu S/o Late Umarao, Village - Banibak, P.S. - Jhajha, District - Jamui.
8. Bholi S/o Late Sukur Village - Naeadio Gidhour, P>S. - Gidhour, District - Jamui.
9. Sahdeo S/o Late Kishun Village - Tarakura, P.S. - Jhajha, District - Jamui.
10. Baleshwar S/o Late Chihoo, Village - Ranikura, P.S. - Jhajha, District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. D.K.Sinha, Senior Advocate Mr. Rishi Raj Sinha, Advocate
For the Respondents	:	Mr. M.P. Dixit, Advocate Mr. S.K.Bariar, Advocate Mr. R.K. Bariar, Advocate Mr. S.K. Choubey, Advocate Mr. Shailendra Kumar, 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: 09-01-2017

Consistency is the hallmark of justice. Especially,
since that is the only way confidence can be maintained in the
system.

In the present writ application, the Railway Authorities
are aggrieved by the order of the Tribunal dated 27.02.2014



Passed in O.A. No. 1029 of 2012 by Patna Bench of Central Administrative Tribunal. The observation of the Tribunal in the impugned decision is in following terms:

“12. The aforesaid order has further been affirmed by the Hon’ble High Court in CWJC No. 7978 of 2008 with CWJC No. 8052 of 2008 decided on 10.05.2012 against which S.LP. filed by the respondents was dismissed and thus the order of Tribunal has attained its finality as the respondents have already implemented the order. The same has not been denied by the respondents. After perusal of this order, we are of the opinion that the applicants are similarly situated persons as the issue of overage has already been decided by the Hon’ble High Court and has attained finality after the dismissal of SLP. Accordingly, we have no hesitation to hold that the applicants being similarly circumstanced are entitled to get the benefit of order dated 27.01.2006 passed by this Tribunal in OA 597/2002 and Judgment dated 10.05.2012 of the Hon’ble High Court, Patna passed in CWJC No. 7978 of 2008 with CWJC No. 8052 of 2008.

13. In view of the above, the letter dated 25.06.2010 is quashed and set aside and the respondents are directed to extend the benefit of the judgment dated 10.05.2012 as mentioned above after giving age relaxation as per the similarly situated employees of OA No. 597 of



2012. Accordingly, the OA is allowed with no order as to costs.”

From a reading of the reasoning of the Tribunal, it is evident that the objective behind passing of the order was to maintain consistency in judicial decisions.

If identical issues of overage coming in the way of regularization of other employees has been set to rest right upto the Hon’ble Apex Court, after initial judicial scrutiny by the High Court, there is no reason as to why the petitioners must succeed and the private respondents, who are placed identically to the other individuals, who were seeking similar relief, should be denied that benefit.

The writ application has no merit. The impugned order is not required to be interfered with. The writ application is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Sudha/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.01.17
Transmission Date	

