

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9734 of 2017

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Amardeo Pandey, son of Lallan Pandey, Resident of Mohalla-768A, Loco Colony,
Khagaul, P.O.-Khagaul, District-Patna (Bihar).

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway, Hajipur, P.O.-Digghi Kala, P.S.-Hajipur, District-Vaishali at Hajipur (Bihar).
3. The General Manager (Personnel), East Central Railway, Hajipur, P.O.-Digghi Kalan, P.S.-Hajipur, District-Vaishali (Bihar).
4. The Divisional Railway Manager, East Central Railway, Danapur, P.O.-Khagaul, P.S.-Danapur, District-Patna (Bihar).
5. The Senior Divisional Personnel Officer, East Central Railway, Danapur, P.O.-Khagaul, P.S.-Danapur, District-Patna (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. M.P. Dixit, Adv.

For the Respondent/s : Mr. Kumar Alok, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 31-08-2017

Heard learned counsel for the petitioner and learned
counsel for the Railways.

The findings given by the Tribunal are good enough not
to interfere with the impugned order dated 10.03.2017 passed in O.A.
258 of 2013. The relevant paragraph nos.5 to 10 reads as under:-

*“5. In pursuance of this order, the respondents have
passed the speaking order dated 27.05.2011 at Annexure
A/8 which has been challenged in the present OA in
which essentially the same point has been reiterated.*

6. The respondents have stated in reply that it was



detected on examination of records that he remained absent from 07.01.1984 onwards because of which his service could not be regularized along with other casual labourers. When he resumed duty on 10.02.1988, he was taken in as a substitute employee and 120 days after that he was granted TS and subsequently regularized on 06.07.1994.

7. The applicant has filed a rejoinder in which he has reiterated his pleadings.

8. Heard the parties and perused the documents.

9. During the argument, the learned counsel for the respondents submitted that they thoroughly examined the records and did not find any evidence of his having worked from 10.01.1984 onwards at RRB or any where. In view of this situation, when he joined Danapur Division on 10.02.1988, he was taken as a substitute. We find that the applicant has also not been able to submit any document of his working from 1984 onwards.

10. It is also to be noted that he approached the Tribunal for the first time in 2002 whereas his cause of action arose in 1988. He could have immediately agitated the matter when he was granted TS in 1988. Further, when he was regularized on 06.10.1994, he could have agitated the matter for ante-dating. We do not find any evidence that he has filing any representation before the authorities. On the other hand respondent's case is throughout consistent. Therefore, it is difficult to intervene and grant the relief in such a stale matter on the basis of simply a piece of paper dated 13.08.1987



[Annexure A/2].”

This Court has nothing more to add or observe over and above what has been taken note of by the CAT.

The writ application lacks merit and so is dismissed.

(Ajay Kumar Tripathi, J)

Arvind/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	04.09.2017
Transmission Date	

