

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11592 of 2017

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1. Shyam Rai, son of Sri R.B. Rai, Office Superintendent (Mechanical) under Section Engineer (Loco), N.F. Railway, New Jalpaiguri under Katihar Division.
 2. Amit Kumar, son of Sri Mukund Prasad Tiwary, Junior Clerk under Section Engineer (Loco), N.F. Railway, New Jalpaiguri under Katihar Division.
 3. Satyendra Kumar Mishra, son of Sri Bindhyachal Mishra, Senior PCBC under Senior Section Engineer (Loco), N.F. Railway, New Jalpaiguri under Katihar Division.

.... Petitioners

Versus

1. The Union of India through the General Manager, North Frontier Railway, Maligaon (Gauhati).
2. The General Manager (Personnel), North Frontier Railway, Maligaon (Gauhati).
3. The Divisional Railway Manager, North Frontier Railway, Katihar (Bihar).
4. The Divisional Railway Manager (Personnel), North Frontier Railway, Katihar (Bihar).

.... Respondents

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Appearance :

For the Petitioner	:	Mr. M.P. Dixit, Advocate
		Mr. Sanjay Kumar Chaubey, Advocate
For the Respondents	:	Mr. D.K. Sinha, Sr. Advocate
		Mr. Siddhartha Prasad, Advocate

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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: 12-09-2017

Heard learned counsel for the petitioners and learned
Senior counsel for the respondents.

Perused the order dated 04.08.2017 passed by Central
Administrative Tribunal, Patna Bench, Patna in O.A. No. 371 of 2015.

The Tribunal has rightly concluded in paragraph-16 as



under: -

“16. Now we come to the last question. We have already determined that the applicants have no right to claim absorption against ministerial cadre. However, we take note that in spite of treating it as a diminishing category, the respondents on their own have absorbed several such persons against ministerial posts. We trust that the respondent authorities would treat all these applicants fairly and if there are no administrative difficulty in acceding to the applicants’ request for absorption in ministerial cadre, they would keep in mind that they have done so on their own in several other cases.”

The respondent authorities are directed to consider the claim of the petitioners in consonance with the direction contained in above noted paragraph-16 of the Tribunal’s order. Such decision must be taken within a period of four months from the date of production of a copy of this order.

In view of the above, the writ application stands disposed of.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2017
Transmission Date	NA

