

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8312 of 2016

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1. The General Manager, East Central Railway, Hajipur, Vaishali.
 2. The General Manager (P)/Chief (Personnel) Officer, East Central Railway, Hajipur, Vaishali.
 3. The Divisional Railway Manager, Samastipur Division, East Central Railway, Samastipur.
 4. The Divisional Railway Manager, Personnel/ Senior Divisional Personnel Officer, Samastipur Division, East Central Railway, Samastipur.
 5. The Assistant Personnel Officer (General), Samastipur Division, East Central Railway, Samastipur.
 6. The Divisional Railway Manager (Commercial) / Divisional Commercial Manager, Samastipur Division, East Central Railway, Samastipur.
 7. The Station Superintendent, Sagauli Junction, Samastipur Division, East Central Railway, Samastipur.
 8. The Chief Vigilance Inspector (Traffic), East Central Railway, Hajipur, Vaishali.
 9. The Commercial Superintendent (II), Sugauli Junction, Sagauli.

.... Petitioners

Versus

Ramesh Kumar Jha, S/o Sri Ram Narayan Jha, resident of Village - Parsa, P.O. - Parsa, P.S. - Majhowlia, District - West Champaran.

.... Respondent

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Appearance :

For the Petitioners : Mr. Anil Kumar Sinha, Advocate
For the Respondent : Mr. A.K. Ojha, Advocate
Mr. L.B. Singh, Advocate
Mr. Pankaj Kr. Sinha, 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: 02-02-2017

Heard counsel for the petitioner and counsel for the private respondent.

The impugned order dated 21.01.2016, passed by Central Administrative Tribunal, Patna Bench, Patna in O.A.



144/2008 is set aside for the reason that the petitioners, who were respondents in OA, have already passed a speaking order dated 23.09.2013. If this order was not acceptable to the private respondent, he had remedy under law, but the opinion and decision expressed for the reasons indicated in the order dated 23.09.2013 cannot be overridden in the process of contempt.

The writ application is allowed. Order dated 21.01.2016 is quashed. The private respondent, however, has liberty to assail the order dated 23.09.2013 in appropriate proceeding if he so wants.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	04.02.2017
Transmission Date	

