

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7711 of 2013

=====

Harinandan Prasad son of Late Sohan Prasad, resident of Mohalla -
Punaichak, Opposite Karan Apartment, P.S. & P.O. - Shastri Nagar, District
- Patna (Bihar) Pin Code No. 800023

.... Petitioner/s

Versus

1. Government of India, through Department Of Railways, Rail Bhawan,
New Delhi
2. The Chairman of Railway Board, New Delhi, Head Office - Rail
Bhawan, New Delhi
3. The General Manager of Asansol Division of Eastern Railways, Head
Office, Kolkatta under the State of West Bengal
4. Office of the Divisional Railway Manager of Eastern Railway, office At
Asansol in West Bengal
5. Section Engineer, (Works) Madhupur, District - Deoghar, Jharkhand
6. Senior Divisional Engineer, Eastern Railway Asansol, State of West
Bengal

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. B.N. Mishra, Advocate
Mr. S.N. Rai, Advocate

For the Respondent/s : Mr. Bijay Kumar Sinha, Advocate.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 10-03-2017 Heard learned counsel for the petitioner and
learned counsel for the Railways.

The preliminary objection has been raised by
learned counsel appearing on behalf of the railways stating that
though the matter has been pending before this Court since 2013,
the petitioner can well subject himself to the arbitration clause and
the railways is willing and ready to sit across the table as per the
arbitration clause and in accordance with the general condition of
contract (GCC). He further submits that, if at all, the petitioner
approaches the Railways under the general condition of contract



(GCC), the railways shall make all efforts to redress the grievance of the petitioner in accordance with the agreement and the prevailing provisions of the statute.

Learned counsel appearing on behalf of the petitioner submits that he had earlier filed a representation before the railways for redressal of his grievance which met with no success. However, he is ready to cooperate and participate, if at all, the railways gives attention to his grievance and he shall participate in the arbitration proceedings as per the general condition of contract (GCC).

In view of the stand taken by the parties, this Court directs that the petitioner shall now subject himself to the arbitration clause and approach the railway within a period of three weeks from today and the railways shall fix a date and consider his case as per the general condition of contract (GCC). All the exercise in this direction is to be concluded between the parties within a period of six months from the date of production of the order by the petitioner.

It is expected that the parties shall take all possible steps to comply with the order of this Court and conclude the dispute between the parties.

With the aforementioned observations, the present



application stands disposed of.

(Anjana Mishra, J)

Jagdish/-

U			
---	--	--	--

