

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7218 of 2017**

Alam Son of Mohd. Yusuf Aged About 37 Years Working As D.L.W. Helper Staff No. 13378, Heavy Mechanical Shop Diesel Locomotive Works, Varanasi, Uttar Pradesh. 221004, R/o Ward No. 10, Chauhatta, Post Office Chauhatta, Kheta Sarai, Dobhi, District Jaunpur, U.P.

---- Petitioner**Versus**

1. Union of India Through The General Manager, South East Central Railway, Bilaspur Zone, G.M. Office, Bilaspur, Chhattisgarh. 495001,
2. Divisional Railway Manager (Personnel), South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh. 495001
3. Assistant Personnel Officer, South East Central Railway, Bilaspur Division, Bilaspur, Chhattisgarh. 495001

---- Respondents

For Petitioner	: Shri A.V. Shridhar, Advocate.
For Respondent/Railways	: Shri Abhishek Sinha, Standing Counsel.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****15/12/2017**

1. This writ petition under Article 227 of the Constitution of India is instituted challenging a decision of the Central Administrative Tribunal, Jabalpur Bench, Camp at Bilaspur rendered on 25.5.2010. At the outset the learned counsel for the Respondent/Railways pointed out that there is inordinate delay in instituting this writ petition which is registered only on 12.12.2017.
2. Faced with the aforesaid situation, the learned counsel for the Petitioner drew our attention to the pleading in paragraph-7, which is to the following effect:

“7. Delay in filling the petition- The petitioner submits that the petitioner is working at Diesel Loco Motive Works, Varanasi on the post of Helper-II and was not in possession of the records sufficient to challenge the order passed by the Hon'ble Tribunal. That, on obtaining the records from the Hon'ble

Tribunal the writ petition was filed before the Hon'ble High Court of Allahabad and was dismissed for want of jurisdiction. That, further the certified copy of the order passed by the Hon'ble Tribunal was filed before the Hon'ble High Court of Allahabad and after obtaining the certified copy of the same on 04.10.2017, the instant writ petition is being filed before the Hon'ble Court. That, the petitioner is a low paid employee and cannot move from his place of work at Varanasi frequently therefore, there is some delay in filing the instant petition, however the same being bonafide deserves to be condoned."

The High Court of Allahabad was moved only in 2017. That itself was nearly 7 years after the Tribunal had handed down the verdict in May, 2010. It is pointed then out that the Petitioner was transferred from Bilaspur to Varanasi in 2012. That event took place two years after the impugned order was issued by the Tribunal. There was no reason why the Petitioner could not have challenged the order of the Tribunal at least within a reasonable time from its issuance.

3. The aforesaid position notwithstanding, paragraph-8 of the impugned order reflects that the Railways had contended before the Tribunal that the writ petition could not be sustained without the rival candidates being arrayed as Respondents. We notice the arguments of the learned counsel for the Railways that going by the vacancy position even without disturbing any other candidate, the Petitioner would have been able to get placement, if his case succeeds.
4. Having regard to the finding rendered above on the question of delay, we are satisfied that the Petitioner has not demonstrated sufficient cause to excuse the inordinate delay in instituting this writ petition. For this reason, we decline to further proceed with this case in exercise of jurisdiction under Article 227 of the Constitution.
5. In the result, this writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE