

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18133 of 2017

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Vijay Shankar Jaipuriar, Son of Late Dhrub Nandan Prasad Jaipuriar, Now Ex Deputy Chief Materail Manager, East Central Railway, Hajipur (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, Ministry of Railway, Rail Bhawan, New- Delhi.
2. The General Manager (P) East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Controller of Stores, East Central Railway, Hajipur, District- Vaishali (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Munna Pd Dixit (M.P. Dixit), Advocate Mr. S.K. Dixit, Advocate Mr. Sanjay Kr. Choubey, Advocate Ms. Swastika, Advocate Mr. Shailendra Kumar, Advocate Mr. Sunil Kumar, Advocate
For the Respondent/s :	Mr. Anshuman Singh, 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 : 23-01-2018

The question, which arose and arises for consideration in the present writ application, is whether the Central Administrative Tribunal, Patna Bench, Patna committed any error of law by dismissing O.A. 529 of 2013 vide order dated 23.05.2016.

The decision of the OA has been assailed by the present petitioner because his prayer for quashing the order of reversion was not acceded to.



Prior to the present OA, it is evident that the issue of seniority was the subject-matter of challenge before the CAT Bench, Allahabad in OA 1035/2005. The CAT Bench, Allahabad held that nobody can be granted benefit of promotion in a cadre even before being borne in the cadre. The seniority position granted to the present petitioner, therefore, came to be undone, that decision of CAT was upheld by a Division Bench of Allahabad High Court as well as the Hon'ble Apex Court.

In view of the said legal development, there was no option for the Railways but to reverse such persons who begot benefit of promotion on the basis of seniority even though it was held that they were not entitled to promotion from the year 1992 when this petitioner came into service on a Group-B post only on 12.06.2000.

If the previous round of litigation, in which the present petitioner was also a party before Allahabad CAT, the High Court and the Hon'ble Apex Court and if the order stood where it was, then the natural corollary was that the order of reversion had to be passed as a measure of implementation of the decision so taken by the forums and upheld right up till the Hon'ble Apex Court.

Taking view of the above factual and legal position, the Tribunal committed no error by refusing to interfere with the decision of reversion. The stand taken by the petitioner that the previous round of litigation related only with regard to promotions and nothing to do with reversion, is a misplaced kind of argument.



If the seniority position did not stand and if the seniority so granted was held to be illegal, the natural corollary will be reversion and that is what had happened in the present case.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
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