

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6801 of 2018

-
1. The Union of India through General Manager, E.C. Railway, Hajipur at and P.O. Hajipur, District - Vaishali.
 2. The Divisional Railway Manager, Samastipur Division, at + P.O. and District - Samastipur.
 3. The Divisional Railway Manager (Personnel), Samastipur Division, at + P.O. and District - Samastipur.
 4. The Divisional Mechanical Engineer, Samastipur Division, E.C.R. Samastipur, at + P.O. and District - Samastipur.
 5. The Assistant Divisional, Mechanical Engineer (Power), Samastipur Division, at + P.O. and District Samastipur.

... .. Petitioner/s

Versus

Ram Bilash Rai son of Late Jangi Rai Substitute Khalasi at Samastipur Loco, at Samastipur, P.O. and District - Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Anand Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 26-04-2018

Heard.

27 years is a very long time for any enquiry to conclude.

Since it was a protracted exercise which obviously violates Article 21 of the Constitution of India, so far as right of the employees is concerned, the Tribunal has rightly set aside the order of removal passed by the Disciplinary Authority and upheld by the Appellate Authority.

The Court is also of the opinion that the so called allegation came within the knowledge of the Railway authorities



relating to using a so called forged school leaving certificate in the year 1985 and enquiry cannot take 27 years to be concluded on a simple matter of allegation like that.

In other words, there was also complicity of the Railway authorities who allowed the employee to virtually complete his entire service period and now he cannot be removed or dismissed at the fag end of his career.

No interference is warranted with the order of the Tribunal dated 21.08.2017, passed in O.A. 437 of 2013. Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.04.2018
Transmission Date	NA

