

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1201 of 2017

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1. The Divisional Railway Manager, East Central Railway, Danapur, P.O. - Khagaul, District - Patna (Bihar).
 2. The Senior Divisional Personnel Officer, East Central Railway, Danapur, P.O. - Khagaul, District - Patna (Bihar).

.... Petitioner/s

Versus

1. Smt. Chandrawati Devi W/o Late Achey Lal, Ex T/Man under Inspector of work, East Central Railway, Patna Junction, resident of Mohalla - Dalluchak, P.O. - Khagaul, District - Patna (Bihar).
2. Ram Ashish Kumar S/o Late Achey Lal, Ex T/Man under Inspector of work, East Central Railway, Patna Junction resident of Mohalla - Dalluchak, P.O. - Khagaul, District - Patna (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.
Mr. Nikhil Kumar Agrawal, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 25-09-2018

Heard Mr. Anil Kumar Sinha, learned counsel appearing
for the Railways.

The writ petition is filed to question an order of the Central
Administrative Tribunal, Patna Bench, Patna passed in CCPA No. 71
of 2011 dated 11.09.2014 whereby the contempt proceeding was
dropped with a direction to the respondent-Railways to comply with



the earlier order passed by the Tribunal in O.A. No. 822 of 2005.

The facts as noted from the writ petition are that the private respondents claimed compassionate appointment on the death of the husband of the Railways employee Achey Lal, giving rise to O.A. No. 822 of 2005. The original application was disposed of with a direction to the Divisional Railway Manager to consider the application of the respondent-applicant for compassionate appointment for its disposal within a period of four months. The judgment and order is dated 07.01.2011 and was questioned before this Court by the petitioners herein in C.W.J.C. No. 20998 of 2012. Vide order passed on 29.11.2012, the Division Bench without interfering with the direction issued by the Tribunal, simply extended the period of implementation by further four months. This order is enclosed at Annexure-4.

In this extended period, the Railways took steps for disposal of the representation of the private respondents for compassionate appointment, which was considered and rejected vide order dated 14.02.2013 by the Divisional Railway Manager and communicated to the private respondents on 18.02.2013 enclosed at Annexure-5 to the writ petition. Much prior to the order passed by this Court on the earlier writ petition filed by the Railways discussed above, the private respondents filed contempt application before the



Tribunal, giving rise to CCPA No. 71 of 2011, inter alia, charging them of disobedience of the direction contained in O.A. No. 822 of 2005. The matter came up for consideration before the bench of Tribunal on 11.09.2014 i.e. much after the rejection of the representation on 14.02.2013 and according to Mr. Sinha, though a show cause was filed in the said proceeding enclosing the order dated 14.02.2013 but was not taken note of by the Tribunal who disposed of the contempt application with a direction to the Railways to place the claim of the private respondents before the CRC within six months next. This order was passed on 11.09.2014 and since according to the writ petitioners herein, the claim had already been rejected that they are before this Court.

Having heard Mr. Sinha, learned counsel appearing for the writ petitioners and taking note of the order dated 14.02.2013 which proceeds to reject the claim of the private respondents for compassionate appointment and has been also communicated to these private respondents through letter dated 18.02.2013 enclosed at Annexure-5, we do not find any reason to either interfere or comment upon the order impugned herein because all that the Tribunal has directed in the said order, is to remind the respondent authorities of their obligation to comply with its direction passed in O.A. No. 822 of 2005 and since the writ petitioners herein have already complied



therewith, but have not been able to draw the attention of the Tribunal when the contempt matter came up for consideration, the responsibility entirely lies on the Railways. In the circumstances noted it does not require this Court to interfere with the orders so passed by the Tribunal for it is entirely at the discretion of the Railway to take appropriate steps, in the matter as advised.

For the present we do not find any reason to express our opinion on the issue raised. The writ petition is disposed of.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Priyanka/Devendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.10.2018
Transmission Date	NA

