

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.169 of 2017

In

Civil Writ Jurisdiction Case No. 17968 of 2012

=====

Raj Kishore, son of Sri R.B.P. Sinha, Resident of Jai Prabha Nagar, Majhauiliya Road, Near Railway Gumati, No. -5, P.S. Kazi Mohammadpur, Dist- Muzaffarpur, present as Senior Commercial Manager, East Central Railway, Hajipur.

.... Petitioner

Versus

1. The Union of India through its Secretary, Railway Board, Rail Bhawan, New Delhi namely Sri R.K, Verma, Son of not Known, the General Manager, E.C. Railway, Hajipur.
2. Sr. D.K. Gagan, son of not known the General Manager, E.C. Railway, Hajipur.
3. Sri Sushant Jha, Son of not known, the General Manager (P) E.C. Railway, Hajipur.
4. Sri S.M.N Islam, son of not known, the General Manager (P), N.E. Railway, Gorakhpur.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Adv.

For the Respondent

No. 1 to 4 : Mr. Naresh Dikshit, Adv.
Mr. Lalan Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

5 13-09-2018 This Court after quashing the order passed by the Central Administrative Tribunal allowed the writ petition to direct the authorities of the East Central Railway to treat the writ petitioner as their employee with effect from 1997 and accordingly give him seniority with effect from 05.02.2004 with consequential benefits.

The subject matter of dispute is the issue of consequential



benefits as accorded to the petitioner. According to Mr. Anjani Kumar Jha, learned Counsel appearing for the petitioner, the consequential benefits have not reached the petitioner.

Mr. Lalan Kumar, learned AC to Mr. Naresh Dikshit, Counsel for Railways with reference to an order passed by the East Central Railway enclosed at Annexure-D and E to the supplementary show cause informs that the matter was considered in the light of the view expressed by this Court in the order dated 03.04.2018 and the consequential benefits to which the petitioner was found entitled in the light of the decision reflecting from an order passed in CWJC No. 6489/2018 (**R.K. Kushwaha Vrs. The Union of India & Others**), has been granted to him and which is subject to the outcome of the said writ petition.

According to Mr. Jha, a direction issued by the Railway Board as present in the notification dated 18.04.2018 has not been given effect to inasmuch as consequential benefits have not been granted in the light of the order passed by the Railway Board dated 18.04.2018.

We have heard learned Counsel for the parties and have perused the records and in the nature of the direction issued by this Court on the writ petition, the orders present at Annexure- D, E and at Annexure-14, which expressly demonstrate the steps taken



by the Railways to grant consequential benefits to the petitioner, no case for contempt is made out.

In case, the petitioner is aggrieved by any part of the grant thereof, he shall be at liberty to represent before the General Manager, East Central Railway, Hajipur together with the facts, figures and supporting documents and it goes without saying that any such representation filed by the petitioner shall be considered and disposed of by a speaking order to be passed within 8 weeks of filing of such representation.

With the liberty so granted, we find no reasons to keep this contempt application pending. The proceedings are dropped.

The contempt application is disposed of.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Archana/Surendra

U			
---	--	--	--

