

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9426 of 2018

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1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
 2. The General Manager (Personnel) East Central Railway Hajipur, District- Vaishali (Bihar).
 3. The Divisional Railway Manager, East Central Railway, Sonpur, District- Saran (Bihar).
 4. The Senior Divisional Personnel Officer, East Central Railway, Sonpur, District- Saran (Bihar).
 5. The Senior Divisional Engineer (Co-ordination), East Central Railway, Sonpur, District- Saran (Bihar).
 6. The Divisional Engineer/III, East Central Railway, Sonpur, District- Saran (Bihar).
 7. The Senior Divisional Financial Manager, East Central Railway, Sonpur, District- Saran (Bihar).
 8. The Assistant Divisional Engineer, East Central Railway, Sonpur, District- Saran (Bihar).
 9. The Senior Section Engineer (P.Way), East Central Railway, Sonpur, District- Saran (Bihar).

.... Petitioner/s

Versus

Dinesh Prasad, Son of Tapeswar, Trackman under Senior Section Engineer (P.Way), East Central Railway, Muzaffarpur (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Adv. Mr. Manish Prakash, Adv.
For the Respondent/s	:	Mr. M.P. Dixit, Adv. Mr. S.K. Dixit, Adv. Mr. Sanjay Kumar Choubey, Adv. Mrs. Swastika, Adv. Mr. Shailendra Kumar, Adv.

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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: 22-06-2018

Heard counsel for the Railways as well as counsel for the private respondent.

This Court is rather pained in the manner trivial litigations are being carried on by the authorities of the Indian Railways, which is a mighty state, against a casual labourer, who is fighting for his survival, by trying to get a foot-hold in the organization by seeking regularization since he has put in best of years of his life working for them in the capacity of a daily wager.

In the earlier round of litigation an objection was raised that his engagement was done when he was under-age i.e. 15 years. This issue was dealt with by the Tribunal in the earlier round of litigation and the Tribunal keeping the totality and length of service came to a considered opinion that it will be illogical if not inequitable to deny benefit of consideration for regularization of the private respondent on the specious ground of being under-age. They gave a direction that the private respondent should be treated to be of 18 years of age from the year 1985 when he became 18 years of age instead from the year 1980 where the dispute about the private respondent being under-age was raised as an issue.

The matter travelled to the High Court. The High Court



did not interfere with the order of the Tribunal.

This is the second of litigation now which has been initiated because the petitioner-Railway authorities have now dug out or culled out certain material to show that the period when private respondent claimed experience of work he was also a student, therefore, there was something amiss and the private respondent had used evidence and material to procure engagement as a daily wager.

The private respondent was not a permanent employee of the Railways. In the grim economic situation, when the majority of the population of this country are struggling to survive, it is not unusual for people to do part time work as well as pursue their studies hoping for a better future. This by itself is not an indication of the fact that some kind of fraud had been played by the private respondent to beget certain experience as well as education simultaneously.

After having gone through the pleadings and evidence we come to a considered opinion that the Railways are being dishonest in their approach in matter of conferment of permanent status upon the private respondent and only to avoid extending that benefit from time to time one objection or the other is being raised and a poor paid employee is being made to spend most of his hard earning on litigation. Such litigations were unnecessary. Railways are not required to be given any indulgence by interfering with the order of



the Tribunal dated 21.08.2017, which does not suffer from any infirmity as such.

The writ application is dismissed. A cost of Rs. 25,000/- is awarded upon the Railways payable to the private respondent within a period of four weeks as compensation for him for being dragged to Court time and again. The order of the Tribunal must be implemented without further delay that too within a period of four weeks.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

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

