

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.421 of 2017

In
Civil Writ Jurisdiction Case No.2647 of 2017

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Rakesh Kumar Singh son of Shree Ram Ashish Singh, resident of Village-Bauthu, P.O. Satpura, P.S. Bhagwanpur, District- Vaishali, presently working as Service Boy, Store Depot Canteen, East Central Railway, Samastipur Division, District- Samastipur.

... .. Petitioner/s

Versus

1. The Union of India and Ors
2. The Divisional Railway Manager, East Central Railway, Samastipur.
3. The Senior Divisional Personnel Officer also known as Divisional Railway Manager Personnel, East C
4. The Chief Personnel Officer IR, East Central Railway, Hazipur.
5. The Assistant Personnel Officer, East Central Railway, Samastipur.
6. The Honorary Secretary, North Eastern Railway Employees Consumer Co-operative Limited, now East Cen

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Anil Kumar Sinha, Adv.

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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: 13-03-2019

We have perused the office note and do find that pursuant to our order passed on 20.02.2019, necessary corrections have been made which substantially removes the defect from the review petition. In such circumstances and with the consent of the parties, the review petition is taken on board for consideration on merits.



We have heard Mr. Sanjeev Kumar, learned counsel for the petitioner and Mr. Abbas Haidar for the respondent Railways.

This is the second attempt made by the petitioner to invite an opinion in his favour despite being unsuccessful on the previous occasion when his writ petition bearing C.W.J.C. No. 2647 of 2017 was dismissed by the Division Bench on 11.05.2017. The petitioner in a failed attempt, also chose to withdraw the special leave petition preferred as against the judgment referred to above on 18.09.2017 but while doing so, took leave from the Supreme Court to file a review petition and that is how he is again before this Court. The plea raised, however, is the same and it is the complaint of the petitioner that while others similarly situated were regularized by the Railways, the appellant has been discriminated.

The judgment and order of this Court passed on the writ petition would confirm that the plea was considered and rejected because the parity being drawn by the petitioner is in respect of such of the workers who were either working in the statutory canteens or the canteens who were provided subsidy by the Railways. The petitioner admittedly was not employed in either of the two canteens rather was working in a canteen run



by a society. This Court having noted the plea of discrimination so taken, has by a reasoned order rejected the writ petition thus confirming the order passed by the Central Administrative Tribunal on the original application. The review petition raises nothing new which requires a reconsideration and is dismissed accordingly.

(Jyoti Saran, J)

(Nilu Agrawal, J)

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