

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18109 of 2018**

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Vijay Sah son of Yogendra Sah, resident of 72 Kh, Police Station -  
Ramagarhwa, District - East Champaran. ... .. Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, Vaishali.
2. The Divisional Railway Manager, East Central Railway, Samastipur.
3. The Assistant Divisional Manager, East Central Railway Muzaffarpur.
4. The Senior Section Engineer Works, East Central Railway, Sagauli, East Champaran.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr.Sandeep Kumar, Advocate

For the Respondent/s : Mr.Ramadhar Shekhar, Addl.S.C. (Railway)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

5      04-11-2019                      Heard learned counsel for the petitioner and the  
Railways.

A counter affidavit has been filed on behalf of  
respondents-Railways.

Learned counsel for the petitioner submits that he is not  
required to file any rejoinder thereto and the matter may be heard  
and disposed off on the basis of materials available on the record.

After hearing learned counsel for the petitioner and  
learned counsel for the Railways and upon perusal of the  
statements made in the counter affidavit, this Court is of the  
considered opinion that the petitioner has submitted a copy of  
representation as contained in Annexure '4' to the writ application  
to the General Manager, East Central Railway, Hajipur, Vaishali



who will look into the grievance of the petitioner, shall examine all these issues raised by him and shall take an appropriate decision with an intention to amicably resolve the dispute in terms of the agreement. In case the dispute cannot be resolved amicably, the parties may invoke the relevant provision of the agreement which talks of resolution of dispute through arbitration. In this regard it has been submitted that although in Clause 24, the General Manager, East Central Railway has been named as 'विवाचक' (Arbiter), now in view of the amendment of the Arbitration and Conciliation Act, 1996, he cannot act as Arbitrator. At this stage, this Court would only observe that in case the parties have, in terms of Clause 24, decided to get the matter resolved through arbitral process, it will be open for them to agree on the mode of appointment of the Arbitrator if occasion so arises. Till a decision is taken by the General Manager, East Central Zone, Hajipur on the representation of the petitioner, no coercive action shall be taken against him to forcibly evict from the premises.

The writ application stands disposed off.

**(Rajeev Ranjan Prasad, J)**

ved/-

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