

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20051 of 2019

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Vinay Bihari Singh @ Binay Bihari Singh, son of Late Braj Kishore Singh,
resident of Andama, Post-Kushautar, Police Station-Kusothan, District-
Darbhanga.

... .. Petitioner/s

Versus

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 Chief Commercial Manager, East Central Railway, Hajipur, District-Vaishali (Bihar).
4. The Divisional Railway Manager, East Central Railway, Samastipur (Bihar).
5. The Senior Divisional Commercial Manager, East Central Railway, Samastipur (Bihar).
6. The Senior Divisional Personnel Officer, East Central Railway, Samastipur (Bihar).
7. The Senior Divisional Financial Manager, East Central Railway, Samastipur (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate
For the Respondent/s : Mr. Ramadhar Shekhar (Addl. Standing Counsel)

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-09-2019

Heard learned counsel for the petitioner and

learned counsel for the Railways.

2. The challenge raised is to the order of the

Central Administrative Tribunal (*hereinafter referred to
as the Tribunal*) wherein the petitioner had approached



the Tribunal for a relief to the effect that the petitioner having been selected as a Commercial Clerk against an Advertisement in the year 1986 was entitled to the benefit of his merit according to the seniority and other consequential benefits as was extended by the Tribunal in similar cases in the order dated 21st of November, 2008 in O.A. No. 95 of 2001. It is also submitted that a writ petition filed against the same was dismissed on 24th of November, 2009 and consequently, applying the ratio of the said order and judgment, the petitioner should also be extended the same benefit.

3. The Tribunal has declined relief on two grounds; firstly, that the petitioner has arrived at a belated stage when he was on the verge of his retirement and; secondly, that he has been selected and appointed against a category of post which was different from that in which benefits had been extended in the case referred to above.

4. We have considered the submissions raised



and a copy of the original application that has been filed on record simply states that the extension of benefits should be given at par with the other co-appointees, who had been appointed under the same advertisement/ notification.

5. No indication was given as to how the petitioner was occupying the same nature and category of post for claiming similar benefits and from the facts as disclosed, it also appears that parity was being claimed as against such appointees, who had filed the original application before the Tribunal way back in the year 2001 itself. The said application had been disposed off in 2008 and the writ petition was dismissed in year 2009.

6. The petitioner, after a lapse of almost six years of the said decision rose up to contend that he also deserves the same benefits.

7. There is absolutely no explanation whatsoever as to why the petitioner had not approached the Tribunal



or the High Court within a reasonable time and as per the averments contained in the original application, it appears that the knowledge about the said judgment is stated to have been acquired in the year 2015 when the petitioner was about to retire in the year 2016.

8. This, therefore, does not explain either the laches or the claim of parity and therefore, on both counts, we do not find any such material so as to warrant exercise of our discretionary jurisdiction under Article 226 of the Constitution of India.

9. The impugned judgment requires no interference and the petition is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Shageer/Praveen

AFR/NAFR	NAFR
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