

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21813 of 2019

1. The Union of India, represented through the General Manager, EC Railway, Hajipur, District-Vaishali (Bihar).
2. The General Manager, (Personnel), EC Railway, Hajipur, District-Vaishali (Bihar).
3. The Divisional Railway Manager, EC Railway, Sonapur, Division, Sonapur (Bihar).
4. The Divisional Railway Manager (Personnel), EC Railway, Sonapur Division, Sonapur (Bihar).

... .. Petitioner/s

Versus

1. Bijay Kumar Choudhary, Son of Late Iswar Prasad Choudhary, working as Mail/Express Guard, Muzaffarpur, EC Railway, Sonapur Division, Resident of Mohalla-Speaker Road, Naya Tola, Muzaffarpur (Bihar).
2. N.K. Sinha, Son of Late Awadesh Prasad Sinha, Working as Mail Express Guard, Muzaffarpur, EC Railway, Sonapur Division, Sonpur at present Residing in Rly. Qr No. 209A Brahmapur Railway Colony, Muzaffarpur (Bihar).
3. H.B.P. Singh, Son of Late Babar Pd., Working as Mail / Express Guard Muzaffarpur, EC Railway, Sonapur Division, Sonpur, Resident of Mohalla-Srikrishnagar, Motihar (Bihar).
4. H.S. Ahluwalia, Son of Late Guru Bachan Singh, Working as Mail/Express Guard, Barauni, EC Railway, Sonpur Division, Sonpur at present residing in Banglow No. L-7A Railway Colony, Barauni, District-Begusarai, Bihar.
5. J.K. Singh, Son of Gorakh Nath Singh, Working as Mail/Express Guard, Sonpur, E.C. Railway, Sonpur Division, Sonpur, residing in Railway Qr. No. T/149/H, Road No. 8 Barbatta Railway Colony, Sonpur, District Chapra, Saran (Bihar).
6. Arvind Kumar Singh, Son of Late Laxmi Narain Singh, Working as Mail/Express Guard, Barauni, EC Railway, Sonpur Division, residing in Rly. Qr. No. 307 B, Ganga Bridge Railway Colony, Garhara, District-Begusarai (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER



(Per: HONOURABLE THE CHIEF JUSTICE)

3 14-11-2019 The operative portion of the impugned order,
(paragraph no.3) reads as follows:-

“We have gone through the pleadings and heard the argument of the learned counsels of both the sides. We find that the efforts made by the respondents to distinguish their case from cases of similarly placed persons in matters decided by other benches of this Tribunal are technical and feeble. Since the filing of this OA, there have been other decisions by this Bench of the Tribunal (OA 721/2012 decided on 01.06.2017 and OA Nos. 204 to 209 of 2014 decided on 15.12.2017) where the decision of the Ernakulam Bench was followed. In another decision of the Hon’ble Patna High Court of Patna in CWJC No. 6398 of 2016, a decision taken by CAT, Patna in OA 663/2013 following decision of Ernakulam Bench of CAT was found to be correct. Thus, this matter has been sufficiently settled by various decisions of this Bench and other Co-ordinates benches of the Tribunal. Therefore, the OA is disposed of with a direction to the respondents to consider the cases of the applicants in the light of the decision passed in OA No/050/00204/2014 & Ors. and grant them benefit of MACP as admissible in the light of these decisions. Necessary orders in this regard will be passed by the respondents within three months from the date of receipt of this order. No order as to costs.”

We find the directions supra are innocuous in nature, in as much as, the present writ petitioners are to decide the request of the respondents herein (petitioners before the



appellate authority) in accordance with law. Whether the decision rendered in OA/050/00697/15, passed on 06.03.2019 earlier decision rendered by the court has attained finality or not is also an issue which needs to be considered and dealt with while passing the order in the case of the respondents.

Accordingly, the present writ application stands dismissed.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Ashwini/Amrendra

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