

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2308 of 2018

In
Civil Writ Jurisdiction Case No.689 of 2003

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Deodutt Kishor Sahay S/o Late B.N. Sahay R/o 179 A.P. Colony, Gaya,
presently posted as Chief Medical Superintendent, I/c EC Railway Hospital,
Gaya.

... .. Petitioner/s

Versus

1. Union Of India, Through Secretary, Indian Railway Board, New Delhi.
2. Chairman, Railway Board, New Delhi.
3. Member Staff, Railway Board, New Delhi.
4. Secretary, Indian Railway Board, New Delhi.
5. General Manager, Central Railway, Chhatrapati Shivaji Maharaj Terminus, GM's Building, 2nd Floor, M
6. General Manager, Eastern Railway, 17 N.S. Road, Kolkata - 700001.
7. General Manager, GM's Office, East Central Railway, Hajipur, Vaishali Bihar 844101.
8. General Manager, North Central Railway/Head Office, Subedar Ganj, Allahabad - 211011.
9. General Manager, North Eastern Railway, General Managers Office, Gorakhpur - 273012.
10. General Manager, North East Frontier Railway, Maligaon, District - Kamrup, Assam - 781011.
12. General Manager, South Central Railway, 99 Rail House, Lancer Lines, Secunderabad - 500071.
13. General Manager, South Eastern Central Railway, New Zonal Building, Bilaspur - 495004.
14. General Manager, South Eastern Railway 11, Guarden Reach Road, Kolkata - 700043.
15. General Manager, Southern Railway, General Manager Office, General Branch, 1st Floor, NGO Main Buil
16. General Manager, South Western Railway, Rail Soudha, Gadag Road Hubli 580020.
17. General Manager, West Central Railway, GM Office, Jabalpur MP 482001.
18. General Manager, Western Railway, 1st Floor, GLO Building, Head Quarter Office, Church Gate Mumbai
19. General Manager, East Coast Railway, GM Office, Rail Sadan, Chandrashekharapur, Bhuwaneshwar 751017.
20. General Manager, Northern Railway, Baroda House, New Delhi.

... .. Opposite Party/s



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with
Miscellaneous Jurisdiction Case No. 5202 of 2019
In
Civil Writ Jurisdiction Case No.689 of 2003

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Dr. Bimal Kumar Roy Son of Awadhesh Roy Resident of Mohalla- Navrangi
Niwas, P.S.- Phulwari, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India Through the Secretary to the Government of India,
Ministry of Railways, Rail Bhawan, New Delhi.
2. Sushant Kumar Mishra S/o Not known to the petitioner The Secretary,
Railway Board, Rail Bhawan, New Delhi.

... .. Opposite Party/s

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Appearance :

(In Miscellaneous Jurisdiction Case No. 2308 of 2018)

For the Petitioner/s : Mr. Kishore Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ramadhar Shekhar, Advocate

(In Miscellaneous Jurisdiction Case No. 5202 of 2019)

For the Petitioner/s : Mr. Ritika Rani

For the Opposite Party/s : Mr. Ramadhar Shekhar

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 27-02-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The instant contempt petition has been filed for
initiation of proceeding of contempt of Court against the
contemnors/opposite parties for deliberate and willful violation
of the order dated 16.01.2003, passed by this Court in C.W.J.C.
No. 689 of 2003, upholding the judgement/decision dated
28.06.2000 passed by Central Administrative Tribunal Patna,



(Dr. Mukund Kumar and Others Vs. Union of India and another) in original Application No. 38 of 1995 allowing the benefit of seniority for the service rendered by the applicants therein (the present petitioner namely Deodutt Kishor Sahay was one of the petitioner in the said OA No. 38 of 1995) for the period of uninterrupted service as Assistant Divisional Medical Officer prior to their appointment upon selection by the Union Public Service Commission.

According to the learned counsel for the petitioner, the respondent no.18 did not take any action in implementing the orders passed by this Court as also the Hon'ble Apex Court. We notice that the Hon'ble Apex Court passed the order in SLP (C) No. 6113 of 2000, on 18.01.2017 and 07.11.2017 itself. After a period of approximately ten months, the Railways did take action in issuing the final inter se seniority of IRMS Officers.

Learned counsel for the petitioner pointed out that even this order dated 07.11.2017 has yet not been implemented.

We are of the considered view, having noticed the show cause affidavit dated 05.07.2018, sworn by Mr. Devodutt Kishor Sahay, that even such order could not have been implemented, for the same being subject matter of litigation in



Case No. 203/184/2018 was quashed and set aside. Hence, there is no question of the same being implemented.

In any event, we find the action of the respondents not to be contumacious in any manner and the delay in implementing the direction issued by this Court cannot be said to be willful in any manner as the order was subject matter of scrutiny by the Hon'ble Apex Court. Contempt, if any, is that of the order of the Hon'ble Apex Court and not of this Court.

Accordingly, the present application stands disposed of.

At this stage, we are informed that the order passed by the Tribunal is subject matter of scrutiny by the Tribunal after the matter was remanded back by the Chattisgarh High Court at Bilaspur.

Well, we are assured that with the matter attaining finality, the respondents shall automatically implement the final outcome.

(Sanjay Karol, CJ)

(S. Kumar, J)

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