

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7753 of 2021**

Ashok Kumar Sharma, son of Ranjit Sharma, R/o village-Khangaon, Near Middle School, PS-Narhi Chandi, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman and CEO, Railway Board, Ministry of Railways, Government of India, New Delhi.
2. The Divisional Railway Manager (Engg). East Central Railway, Hajipur.
3. The Divisional Railway Manager (Engg). East Central Railway, Samastipur.
4. The Divisional Personnel Officer, East Central Railway, Samastipur.
5. The Deputy Chief Engineer/T.O., East Central Railway, Samastipur.
6. The Senior Divisional Engineer (Co-ord), East Central Railway, Samastipur.

... .. Respondent/s

**Appearance :**

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|----------------------|---|----------------------|
| For the Petitioner/s | : | Mr. Nirbhay Prashant |
| For the Respondent/s | : | Mr.                  |
| For U.O.I.           | : | Mr. Radhika Raman    |

**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**ORAL JUDGMENT**

**Date : 11-02-2022**

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“i. To issue appropriate, rule/rules, direction/directions, writ/writs in the nature of Certiorari and be pleased to quash the order dated 25.11.2020 bearing no. WE/283/ESM/GateMan/W-6 (Annexure-4) issued under the signature of the Senior Divisional Engineer (Co-ord), East Central Railway, Samastipur (Respondent No. 6) whereby and where under petitioner has been terminated from his service unlawfully with immediate effect.



ii. and consequent upon the quashing of the said order a direction/directions be given to the respondents to restore the service of the petitioner in the concerned departments with effect from November 2020 and to make payments of arrears within a period of three months from the date of receipt of the order.

iii. And any other relief or reliefs for which the petitioner be found entitled in law be granted to him.”

3. The petitioner is stated to have been appointed on contractual basis under the Eastern Central Railway Division, Samastipur Division on SSE (P.Way)/SKI Route. The petitioner has a grievance before the Central Administrative Tribunal in the light of Apex Court decision in the case of *Union of India and Others Vs. Deep Chand Pandey and Another* reported in (1992) 4 SCC 432 read with *L. Chandra Kumar vs. Union of India and Others* reported in (1997) 3 SCC 261 read with the case of *S.P. Sampath Kumar vs. Union of India* reported in (1987) 1 SCC 124. Therefore, the present petition is not maintainable under Article 226 of the Constitution.

4. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to invoke appropriate jurisdictional forum.

(P. B. Bajanthri, J)

GAURAV S./-

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