

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6972 of 2020

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Suresh Kumar Raut Son of Sita Ram, Resident of Muhallah-Matkhan (593 DT), New Sipara, Post-Delwa, P.S.-Beur, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, EC Railway, Hazipur-844101.
2. The Chief Personal. Officer, EC Railway, Mugal Sarai
3. The Divisional Railway Manager, EC Railway, Mugal Sarai
4. The Senior Divisional Personal Officer, EC Railway, Mungal Sarai, Chandauli-232010.
5. The Senior Divisional Signal and Telecom Engineer, EC Railway, Mungal Sarai, Chandauli-232101.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nikki Singh
For the Respondent/s	:	Dr. K.N. Singh, ASG
		Mr. R.K. Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 21-02-2022 An order dated 11.01.2017 passed in

M.A./050/00004/2017 by the Central Administrative Tribunal,
Patna Bench is being assailed in the present writ application
filed under Article 226 of the Constitution of India.

By the impugned order dated 11.01.2017, the Tribunal
has rejected the application filed by the petitioner for recall of
an order dated 28.09.2016 passed in OA/50/00610/2016
whereby the petitioner's original OA application was rejected in



the following terms:

“It is noted that on earlier occasions, nobody has appeared on behalf of the applicant. Moreover, the application is barred by limitation as the applicant has prayed for calculating the length of service from 14.08.73 to 02.11.97 again from 17.10.2004 till retirement dated 01.05.13 for his retiral benefits. However, he has approached this Tribunal in the year 2016 only”

Learned counsel appearing on behalf of the petitioner has submitted that since the said OA was dismissed for default, because of petitioner's misconception about the date fixed after hearing before the Tribunal, the Tribunal ought to have restored the same and decided the petitioner's OA on merit.

We have perused the impugned order. It is not in dispute that the petitioner's OA was dismissed being barred by limitation by the Tribunal vide order dated 29.08.2016. While dismissing the petitioner's application for recall of the order and restoration of OA, the Tribunal has noted that it had applied its mind and reached a conclusion that the application was barred by limitation.

Further, assailing the said order dated 11.01.2017, the



petitioner filed this writ application in June, 2020.

Be that as it may, on careful examination of the order dated 11.01.2017, we find no legal infirmity in the impugned order.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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