

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6672 of 2022

=====

Saligram S/o Late Rameshwar Paswan, (Ex-Gate man-1 SBPW/MKA) under
ECR Railway Danapur, Resident of Village- Kanhaipur, P.S.- Mokama,
District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Zonal Manager, East Central Railway Hajipur Division, Vaishali. Pin Code- 844041.
2. The Divisional Railway Manager, East Central Railway Danapur, P.O.- Khagaul, District- Patna, Pin Code - 801105.
3. The Senior Section Engineer (PWAY) East Central Railway Mokama, P.S.- Mokama, District- Patna, Pin Code- 803302.
4. The Assistant Divisional Engineer-2, East Central Railway Dapapur.
5. The Senior Divisional Finance Manager, East Central Railway Danapur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Advocate
For the U.O.I. : Mr. Manoj Kumar Singh, CGC

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-07-2022

In the morning session, colleague of Advocate-on-record appeared and requested for time and it was refused.

In the present petition, petitioner has assailed the order dated 24.01.2022 passed in O.A. No. 381 of 2021 by the Central Administrative Tribunal, Patna.

Grievance of the petitioner is that he is entitled to salary during the intervening period from 24.05.2000 to 13.07.2001 read with the fact that he has attained age of superannuation and retired from service in the year 2014. The



cause of action accrued to the petitioner in the month of July, 2001. He had time of one year and six months from the date of representation demanding salary for the aforesaid period in order to present original application before the Central Administrative Tribunal in terms of Section 21 of the Administrative Tribunal Act, 1985. The Tribunal passed following order:

“The O.A. is at notice stage hearing. The issue pertains to salary and other due of period of judicial custody from 24.05.2000 to 13.07.2001. The applicant has retired in year 2014. The issue raised in the O.A. is almost 20 years old and the O.A. has been filed after seven years of retirement. No M.A. for condonation of delay has also been filed by the applicant with the O.A.

The O.A. is being barred by limitation, is dismissed.”

Feeling aggrieved and dissatisfied with the order of the Tribunal dated 24.01.2022, present petition is presented.

Prima facie there is delay and laches on the part of the petitioner in seeking arrears of salary for the intervening period from 24.05.2000 to 13.07.2001. He has retired from service in the year 2014 whereas Original Application No. 381 of 2021 was presented in the year 2021.

In the light of these facts and circumstances, petitioner has not made out a case so as to interfere with the order dated 24.01.2022 passed in O.A. No. 381 of 2021 on the file of the Central Administrative Tribunal.



Accordingly, the present petition stands dismissed with cost of Rs. 5,000/-. The cost shall be remitted in the Patna High Court Legal Services Committee within a period of four weeks.

Learned counsel for the petitioner appeared at 1.10 P.M. and submitted that petitioner had submitted representation on 03.08.2014 followed by legal notice on 20th February, 2020.

In the light of these material information, the Tribunal should not have rejected O.A. No. 381 of 2021. The petitioner could not apprise this Court that he had cause of action in the month of July, 2001 and he had one year and six months time including submission of representation in approaching the Tribunal in terms of the provisions of the Administrative Tribunal Act, 1985. Therefore, merely submission of representation on 03.08.2014 followed by legal notice dated 20th February, 2020 that does not cure the delay and laches issue. Accordingly, no case has been made out.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.07.2022
Transmission Date	

