

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10345 of 2021

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1. Siya Sharan @ Siya Sharan Paswan S/o Late Chhapan Paswan resident of Village- Kamuruddinpur, P.O. Kamuruddinpur, P.S. Muffasil, District- Begusarai.
 2. Sanjay @ Sanjay Kumar S/o Ram Narayan Yadav resident of Village- Bara Bimraha, P.O. Hajipur, P.S. Alauli, District- Khagaria.
 3. Shankar @ Shankar Prasad S/o Sita Ram Lal resident of Village- Mohammadpur, P.O. Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, New Delhi.
2. The General Manager, East Central Railway, Hajipur, Vaishali.
3. The Divisional Railway Manager, East Central Railway, Danapur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh
For the Respondent/s : Mr.

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

Date : 25-02-2022

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

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“That this is an appropriate writ for issuance of direction directing the respondents to take immediate steps for relaxation of age in consideration of petitioner’s regularization in service since the petitioners have become overage and are yet to be regularized for no fault of their behalf and other relief/reliefs as your Lordships may be deem fit and proper.”



3. Undiputedly, petitioners must have worked under the Railway Department. Service condition of an employee in the Railway irrespective of temporary appointment, he has a remedy before Central Administrative Tribunal under Section 19 of the Administrative Tribunals Act, 1985. The same has been examined by the Apex Court 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. In the light of these facts and circumstances, the present petition is not maintainable.

4. Accordingly, writ petition stands dismissed, reserving liberty to the petitioners to approach jurisdictional Central Administrative Tribunal.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	04.03.2022
Transmission Date	

