

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16534 of 2019

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Ram Narayan Sah Son of Late Ram Chandra Sah Resident of Kashmiri Hata, Mauna Fatak, P.O. and P.S.-Chapra, District-Chapra (Bihar), Retired as Chief Inspector of Ticket (C.I.T.) N.E. Railway, Chapra Under Administrative Control of Divisional Railway Manager (Commercial) N.E. Railway, Varanasi(U.P.).

... .. Petitioner/s

Versus

1. The Union of India through General Manager, N.E. Railway, Gorakhpur (U.P.)-273001
2. The Divisional Railway Manager, N.E. Raileay, Varanasi
3. The Divisional Railway Manager(Personnel), N.E. Railway Varanasi
4. The Divisional Railway Manager(Commercial) N.E. Railway Varanasi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satish Chandra Mishra, Advocate
For the Railway	:	Mr. Naresh Dixit, Senior Panel Counsel
		Mr. Sumit Shekhar Pandey, AC to Mr. Naresh Dixit

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-07-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioner has assailed the order dated 21.01.2019 passed in O.A. No. 050/00127/2015 by the Central Administrative Tribunal, Patna Bench, Patna.

3. The grievance of the petitioner before the Tribunal was that he is entitled to stepping up of his pay on par with his juniors. The petitioner was promoted to the post of Chief Inspector Tickets on 24.05.1996 when he was working at Gorakhpur. He was relieved and he had joined promotional post of Chief Inspector Tickets only on 12.02.1998.



4. In the light of these facts and circumstances, authorities have come to the conclusion that petitioner is not entitled to stepping up of his pay on par with his immediate juniors who have earned certain increments during the period from the year 1996 to 1998. The Tribunal has taken note of dates and events like date of promotion and joining the services read with Annexure-7 and internal communication of the Railway Authorities which was in favour of the petitioner to the extent that he was not relieved in order to join promotional post of C.I.T. The aforesaid documents (Annexure-7 to the Original Application) was disputed by the respondent- Railway Authorities. When it was disputed by the Railway Authorities, it was bounden duty of the petitioner to furnish corroborate evidence to the extent that he was keep on asking the authorities at Gorakhpur to relieve him in the guise of promotional order dated 24.05.1996 to report at Bhatani. Such documentary evidence is not made available so as to examine whether default in not relieving is on the part of the official respondents or not. Assuming that there was no response from the official respondents in the year 1996 in not relieving the petitioner in order to join promotional post, in that event petitioner had statutory right to invoke remedy under Section 19 of the Administrative Tribunal Act, 1985 before the jurisdiction Central Administrative Tribunal. However, the petitioner has not invoked such remedy. Further based on the joining of a promotional post on 12.02.1998 with reference to promotional order dated 24.05.1996 he



has sought for stepping up of his pay on par with his immediate juniors. Immediate juniors have already earned increments from time to time during the intervening period from 24.05.1996 to 12.02.1998. It is to be noted that the petitioner has not questioned in not granting increment during the intervening period from 24.05.1996 to 12.02.1998. Once the increment is granted in that event only pay will be fixed in the revised pay with reference to his immediate juniors. In the absence of challenge in not granting increment during the period from 24.05.1996 to 12.02.1998 petitioner is not entitled to seek relief of stepping up of his pay on par with his immediate juniors. Further it is to be noted that the Tribunal has taken note of that the petitioner has taken ten years time to rise the issue of stepping up of his pay.

5. In the light of these facts and circumstances, petitioner has not made out a case.

6. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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CAV DATE	
Uploading Date	03.08.2022
Transmission Date	

