

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18491 of 2019

1. S. K. Pathak Son of Late Hari Kant Pathak Senior Inspector of Store Accounts (A), posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
2. Avishek Kumar Son of Late Amar Nath Ojha Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
3. Suresh Kumar Sharma Son of Late R.B. Thakur Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
4. Ashok Kumar Gupta Son of Late Beni Prasad Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
5. Pramod Kumar Rajak Son of Late Ram Das Rajak Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
6. Dilip Kumar Son of Late Sheo Nandan Singh Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
7. Smt Jaya Sarkhel Wife of Sri Chandan Kumar Sarkhel Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
8. Ashok Kumar Gupta Son of Late S.N. Prasad Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
9. Abhinandan Kumar Son of Late Shital Prasad Singh Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
10. Satish Kumar Singh Son of Late Bindeshwari Prasad Singh Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
11. Satish Chandra Lal Son of Late Krishna Chandra Lal Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
12. Mahesh Kumar Son of Sri Parshuram Singh Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
13. Arvind Kumar Sinha Son of Late Sureshwari Prasad Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501



(Bihar)

14. Ajay Kumar Sinha Son of Late Hem Chandra Sinha Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
15. Anil Kumar Son of Late Rajdeo Singh Account Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
16. Arun Kumar Kharga Son of Sri Ram Lakhan Kharga Senior Section Officer (Accounts), posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
17. Shahid Parwez Son of Late Md. Latif Section Officer (Accounts), posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
18. Punam Kumari Daughter of Sri C.B. Pandey Accounts Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
19. Arun Kumar Verma Son of Late Bindeshwari Prasad Verma Senior Section Officer (Accounts), posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
20. Sunil Kumar Keshri Son of Late B.N. Prasad Keshri Accounts Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
21. Pashupati Nath Singh Ajay Son of Sri Sheo Kumar Singh Stock Verifier, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
22. Abinash Chandra Pandey Son of Late B.N. Pandey Accounts Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
23. Subha Nath Ojha Son of Late Nandji Ojha Senior Inspector of Store Account (A), posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
24. Satish Kumar Jha Son of Jatashankar Jha Senior Section Officer (A), posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
25. Braj Kishore Singh Son of Late Sri Bihari Singh Accounts Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
26. Surendra Prasad Son of Late Yadunandan Prasad Accounts Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur,



P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)

27. Hansraj Son of Late Meghraj Ram Accounts Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
28. Uday Narayan Ray Son of Sri R.K. Yadav Accounts Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
29. Lal Babu Mishra Son of Late Bageshwari Mishra Stock Verifier, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
30. Ashok Kumar Singh Son of Late S. Singh Senior Inspector of Store Account (A), posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
31. Raj Kumar Tiwari Son of Late Sheo Shankar Tiwari Senior Section Officer (A) posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
32. Mithilesh Kumar Pandey Son of Late Chandra Deo Pandey Senior Section Officer (A) posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
33. Rajiv Kumar Jha Son of Late Balmukund Jha Senior Inspector of Store Account (A) posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
34. Sunil Kumar Son of Late Devendra Singh Senior Stock verifier, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
35. Ganesh Prasad Son of Late Lala Singh Senior Stock verifier, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
36. Om Prakash Yadav Son of Late Indra Deo Prasad Senior Stock verifier, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)
37. Rameshwar Yadav Son of Late Ram Shresth Yadav Accounts Assistant, posted under Senior Divisional Financial Manager, East Central Railway, Danapur, P.O. - Khagaul, P.S.-Danapur, District-Patna, Pin Code-801501 (Bihar)

... .. Petitioner/s

Versus

1. The Union of India, through the Secretary, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi-110001
2. The Financial Commissioner Ministry of Railway, Railway Board, Rail Bhawan, New Delhi-110001.



3. The General Manager East Central Railway, Hajipur, P.O.-Digghi Kalan, P.S. Hajipur, District-Vaishali at Hajipur, Pin Code-844101 (Bihar)
4. The Financial Advisor and Chief Accounts Officer, East Central Railway, Hajipur, P.O.- Hajipur, District-Vaishali.
5. The Senior Divisional Financial Manager East Central Railway, Danapur, P.O. -Khagaul, P.S. Danapur, District-Patna, Pin Code-801501 (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Munna Pd Dixit (M.P. Dixit)
For the Respondent/s : Mr.Awadhesh Kr. Pandey, Sr. Panel Counsel
Mr. Radhika Raman, CGC
Mr. Rabindra Kr. Sharma, CGC

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.

In the instant petition, petitioners have prayed for following reliefs:-

“A. For issuance of Writ in the nature of Certiorari for quashing/ setting aside the Order dated 22.07.2019 passed by the Learned Central Administrative Tribunal, Patna Bench, Patna herein after CAT in Original Application No. 050/00511 of 2016 **as contained in Annexure-1 of the writ application** whereby and whereunder the prayer of the Petitioners for extension of same and similar benefit of Judgement/ Order dated 09.04.2010, Order dated 03.04.2013 both passed by this Hon’ble Court C.W.J.C. No. 11452 of 2006, Civil Review No. 233 of 2010 respectively upheld by Hon’ble Supreme Court of India vide Order dated 07.07.2014 passed in Special Leave to Appeal (Civil) No. 1587-1588 of 2014 **as contained in Annexure-A/2, A/3 & A/4 respectively with the Paper Book** together with similar benefit granted by Coordinate Bench of Central



Administrative Tribunal, Ernakulum Bench on 30.06.2006 upheld by Hon'ble Kerala High Court and also by Hon'ble Supreme Court of India on 27.03.2012 and 25.02.2013 ***as contained in Annexure- A/5 & A/6 respectively with the Paper Book***, has been rejected on the ground of limitation which is highly non application of judicious mind and contrary to the Principle of Judicial Consistency in adjudicating the matter which speaks that similarly situated persons must be extended the similar or identical benefits which has also been held in the case of ***State of Karnataka V/s L. Lalitha reported in (2006) 2 SCC Pg. 745 and Maharaj Kishan Bhatt & Others V/s The State of Jammu & Kashmir & Others reported in (2008) 2 SCC (L&S) Pg. 783?***

B. For issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Mandamus commanding the Respondents to extend/ grant same and similar benefit of pay and its arrears with effect from 01.01.1996 to 18.02.2003 on account of 5th Central Pay Commission Recommendation in favour of the Petitioners as has been granted in favour of other similarly placed co-employees including the Petitioners of aforesaid C.W.J.C. No. 11452 of 2005.

C. That your Lordships may further be pleased to direct/ command the Respondents to grant all consequential benefits in favour of the Petitioners alongwith the statutory interest on the aforesaid amounts thereupon.

D. Any other appropriate relief(s) for which the Petitioner may be entitled to be granted.”

On previous occasion, on 05.07.2022 following order

was passed:-

“Learned counsel for the petitioner submitted that the present matter is squarely covered by the decision passed in W.P. (c) 1523



of 2016 decided on 18th of December, 2019 in the High Court of Delhi at New Delhi. It is further submitted that the aforesaid decision of the High Court was upheld by the Apex Court on 8th of January, 2021 and 18th of August, 2021 in the Special Leave to Appeal (c) No (s) 13818 of 2020 and a Review Petition (Civil) Diary No(s) 7547 of 2021.

Copy of the judgment is made available to the respondents for their perusal and make their submission on the next date of hearing as to whether the present matter is covered by the aforesaid decision or not?

Re-list this matter on 12.07.2022.”

Learned counsel for the petitioners and respondents submitted that the present matter is identical to that of aforesaid cited decisions.

In the light of the aforesaid submission made by the learned counsels for respective parties, present petition stands allowed in the light of order passed in WP(C) No. 1523 of 2016 decided on 18.12.2019 in the High Court of Delhi at New Delhi and further Special Leave to Appeal (c) No (s) 13818 of 2020 and a Review Petition (Civil) Diary No(s) 7547 of 2021.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.08.2022
Transmission Date	

