

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23793 of 2019

1. Binit Kumar Verma Son of Late Hari Shankar Prasad Verma, Ex Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur, Resident of Flat No. 101, RAjeshwari Enclave, Rajeshwari path, East Gola Road, Road No. 6 Near Subham Marriage Hall, Post- Danapur District- Patna- 801503.
2. Deepak Kumar Srivastava, Son of Late Radha Mohan Prasad, Accounts Assistant O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
3. Devendra Kumar Sinha, Son of Late Lall Babu, Ex Senior Section Officer (Account) O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
4. Deepak Kumar, Son of Late Lalje Sahay, Accounts Assistant O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
5. Uday Kumar Singh, Son of Late Nirmal Kishore Singh, Ex. Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
6. Umesh Prasad, Son of Late Yamuna Roy, Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
7. Mahavir Singh, Son of late Baikunth Nath Singh, Accounts Assistant O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
8. Surendra Prasad Sharma, Son of late Sarjoo Mistry, Ex Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
9. B.K.P. Sinha, Son of Late Dr. Braj Mohan Pandit, Ex Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
10. K.K. Singh, Son of late Shatrughan Singh, Ex. Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
11. Sudhir Kumar Verma, Son of Sri Sushil Kumar Verma, Senior Section Officer (Accounts) O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
12. Chandra Bhushan Singh, Son of Sri Kalika Prasad Singh, Section Officer (Accounts), O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
13. Sunil Kumar Verma, Son of Late jai Nath Pati, Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
14. Neeraj Kumar, Son of Late Ganga Prasad Singh, Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
15. Kiran Kumar Singh, Son of Late Vinay Krishna Singh, Section Officer (Accounts), O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
16. Sanjay Kumar Verma, Son of Late Shobha Prasad Verma, O/O The Senior



Divisional Financial Manager, East Central Railway, Danapur.

17. R.N. tiwari, Son of Late N.N. Tiwari, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
18. Narendra Kumar, Son of S.N. tiwari, Senior Section Officer, (Accounts), O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
19. Prabhat Kumar, Son of Late M.R. Prasad, Senior AFO RAIL wheel Plant, Bela, District-Saran (Bihar)
20. Naresh Kumar, Son of Raghunandan Prasad, O/O The FA and CAO (Workshop Project), Chamber Bhawan, Patna.
21. Bhanu Kumar Prakash, Son of late Sheo Prakash, O/O The FA and CAO (Workshop Project), Chamber Bhawan, Patna.
22. Kumud Prasad, S/O Late R.P. Yadav, Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
23. Kanchan Pandey, Wife of Late Navlesh Kumar Pandey, Accounts Clerk, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
24. Manju Singh, Wife of Late Anil Sinha, Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
25. Manju Kumari, Wife of Late Arbind Kumar, Accounts Clerk, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
26. Manju Roy, Wife of Late Pawan Kumar Roy, Accounts Clerk, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
27. Dinesh Rajak, Son of Late Lal Das Rajak, Ex Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
28. Anita Kumari, D/O Late Permanand Singh, Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
29. Sadhana Mishra, Wife of late Vijay Shankar Mishra, (Senior Section Officer), Accounts, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur.
30. Jitan Kumar, Son of Late N.K.P Bharti, Ex Accounts Assistant, O/O The Senior Divisional Financial Manager, East Central Railway, Danapur. District Patna Pin Code- 801501 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India Through the Secretary, Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.- 110001.
2. The Finance 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 Principal Financial Advisor and Chief Accounts Officer, East Central



Railway, Hajipur, P.O.- Digghi Kalan, P.S. - Hajipur, District- Vaishali at Hajipur, District- Vaishali at Hajipur, Pin code- 844101(Bihar).

5. The Financial Advisor and Chief Accounts officer (CON), East Central Railway, Mahendrughat, Patna- 800004 (Bihar).
6. The Financial Advisor and Chief Accounts Officer, East Central Railway, Workshop Project, Chamber Bhawan, Patna - 800004 (Bihar).
7. 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), Advocate Ms. Swastika, Advocate Mr. Sanjay Kumar Chaubey, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. Panel Counsel Mr. Radhika Raman, 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 26.07.2019 passed by the Learned Central Administrative Tribunal, Patna Bench, Patna herein after CAT in Original Application No. 050/00636 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 dismissed in the light of order passed in identical matter i.e. OA No. 511/2016 (S.K. Pathak and others Vs. UOI) and 351/2016 (Sunil Kumar Vs UOI) 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.”

In C.W.J.C. No. 18491 of 2019 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 decision in the order dated 05.07.2022 passed in C.W.J.C. No. 18491 of 2019.

Apex Court in the case of *M.R. Gupta V. Union of India & Others* reported in *AIR 1996 SC 669* held that if the third party right is not affected and in so far as pay fixation and pension are concerned, it is continuing cause of action.

Accordingly, Order dated 26.07.2019 passed in O.A. No. 050/00636/2016 (Annexure-1) is set aside.

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	05.08.2022
Transmission Date	

