

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3611 of 2019

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Sona Devi W/o Late Anirudha @ Anirudha Yadav Resident of Mohalla-Ward
No.10,Chhoti Olpura (Yadav Tola) P.O. Ghoga,P.S.
Kahalgaon,Dist.Bhagalpur

... .. Petitioner/s

Versus

1. The Ministry Of Railway Through The General Manager and Ors Zonal Office,Eastern Railway,Calcutta
2. The C.P.O., Zonal Office,Eastern Railway, Calcutta
3. The Divsional Railway Manager, Divisional Office,Eastern Railway,Maldah
4. The Section Engineer(P.W.), Eastern Railway,Bhagalpur
5. The Divisional Personal Officer, Eastern Railway,Maldah
6. The Vigilance Officer, Eastern Railway (Vigilance),Calcutta
7. The Assistant Engineer(P.W.), Eastern Railway,Bhagalpur
8. The Assistant Engineer (E.N.),Sahebganj,Jharkhand
9. The Assistant Engineer(Line), Jamalpur
10. P.W.I. (Path), Sahebganj,Jharkhand
11. P.W.I. (Path), Bhagalpur
12. Madhoo Yadav S/o Late Ram Yadav Resident of Mohalla-Ward
No.10,Chhoti Olpura (Yadav Tola), P.O. Ghoga,P.S. Kahalgaon,Dist.-
Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

5 16-10-2023 The petitioner has presented this writ petition in

assailing the order dated 21.01.2016 in O.A. No. 1047 of 2012

passed by the Central Administrative Tribunal, Patna Bench,

Patna (hereinafter referred to as 'CAT'). Original applicant -



Anirudh who had filed O.A. No. 1047 of 2012 is not arrayed as party to the present writ petition. On the other hand, petitioner has impleaded *Madhoo Yadav* as 12th respondent.

2. Further petitioner is not a party to the O.A. No. 1047 of 2012. In this backdrop, the present writ petition is not maintainable. At the best, petitioner *Sona Devi* who is stated to be wife of *Anirudh Yadav* is entitled to file original application before the CAT in recalling the impugned order dated 21.01.2016 passed in O.A. No. 1047 of 2012, in the event her right is being affected by virtue of CAT order dated 21.01.2016. In other words, if the third party right is affected by any order of the Central Administrative Tribunal, in that event appropriate remedy is in filing original application before the same Bench in recalling the order passed by the Central Administrative Tribunal and consequential reliefs, if any. This issue has been settled by the Apex Court in the case of ***Rama Rao and Others vs. M.G. Maheshwara Rao and Others*** reported in (2007) 14 SCC 54.

3. Thus, the petitioner has not made out a case so as to interfere with the order of the CAT dated 21.01.2016 passed in O.A. No. 1047 of 2012 on the issue of maintainability of the present writ petition. Accordingly, writ petition stands dismissed



reserving liberty to the petitioner to invoke remedy of filing original application before the CAT in recalling the order dated 21.01.2016 passed in O.A. No. 1047 of 2012, in accordance with law. In the event of filing original application by the petitioner – *Sona Devi*, CAT is requested to take note of Section 14 of the Limitation Act, 1963.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

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