

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4850 of 2020

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.- Hajipur (Sadar), District- Vaishali Pin Code- 844101.
2. The General Manager (Personnel), East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.- Hajipur (Sadar), District- Vaishali, Pin Code- 844101 (Bihar).
3. The Principal Chief Electrical Engineer, East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.- Hajipur (Sadar), District- Vaishali, Pin Code- 844101 (Bihar).
4. The Divisional Railway Manager, East Central Railway, Dhanbad-826101.
5. The Senior Divisional Electrical Engineer, East Central Railway, Dhanbad-826101.
6. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad-826101.
7. The Senior Divisional Financial Manager, East Central Railway, Dhanbad-826101.

... .. Petitioners.

Versus

Manju Yadav, Son of Sri Brij Lal Yadav, Senior Assistant Loco Pilot, East Central Railway, Gomoh, District- Dhanbad.

... .. Respondent.

Appearance :

For the Petitioners	:	Dr. K.N. Singh, A.S.G. Mr. Ram Anurag Singh, C.G.C.
For the Respondent	:	Mr. Munna Pd Dixit (M.P. Dixit), Advocate. Mr. S.K. Dixit, Advocate. Mr. S.K. Choubey, Advocate. Ms. Swastika, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 01-11-2023

In the instant writ petition, the petitioners have assailed the order of the Central Administrative Tribunal, Patna, Bench, Patna, dated 29.05.2019 passed in O.A./50/825/ 2018.



2. Respondent Manju Yadav is stated to have furnished application for transfer from Central Railway to East Central Railway Division preferably at Mugalsarai. After processing the application of the respondent Manju Yadav in the year 2012, the authorities have taken a decision to accept the respondent's request transfer to ECR at his own request on accepting bottom seniority, which is evident from communication dated 21.09.2012 vide Annexure-2. Thereafter, on 02.07.2014, his posting has been ordered and his duty report is stated to have been accepted at Dhanbad Division vide order dated 02.07.2014 (Annexure-3).

3. The respondent Manju Yadav had cause of action in the year 2012 and 2014 in the light of Annexures-2 and 3, the decisions of the petitioners-Railway Department. However, Original Application has been filed by him before the Central Administrative Tribunal in the year 2018, i.e., after lapse of about four years.

4. Earlier also this Court had an occasion to decide identical matter in the case of **the Union of India and others Vs. Sri Munna Kumar and Sanjeev Kumar (C.W.J.C. No.5112 of 2020 decided on 16.11.2022)**. In the light of the aforementioned decision of this Court, petitioners have made



out a case. Hence, the order of the Central Administrative Tribunal, Patna Bench, Patna, dated 29.05.2019 passed in O.A./50/825/2018 stands set aside. Writ petition is allowed.

5. Original Application filed by the Respondent Manju Yadav, namely, O.A./50/825/2018, stands rejected.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.11.2023.
Transmission Date	NA

