

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9335 of 2019

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O.-Digghi Kala, P.S.-Hajipur (Town), Dist-Vaishali (Bihar)
2. The General Manager (Personnel) East Central Railway, Hajipur, P.O.-Digghi Kala, P.S.-Hajipur (Town), Dist-Vaishali (Bihar)
3. The Principal Chief Mechanical Engineer, East Central Railway, Hajipur, P.O.-Digghi Kala, P.S.-Hajipur (Town), Dist-Vaishali (Bihar)
4. The Divisional Railway Manager, East Central Railway, Danapur, P.O.-Khagaul, Dist-Patna (Bihar)
5. The Senior Divisional Mechanical Engineer, East Central Railway, Danapur, P.O.-Khagaul, P.S.-Danapur, Dist-Patna (Bihar)
6. The Senior Divisional Personnel Officer, East Central Railway, Danapur, P.O.-Khagaul, P.S.-Danapur, Dist-Patna (Bihar)
7. The Senior Financial Manager, East Central Railway, Danapur, P.O.-Khagaul, P.S.-Danapur, Dist-Patna (Bihar)

... .. Petitioner/s

Versus

Md. Faishal Anwar, Son of Md. Anwar Hussain, Assistant Loco Pilot, East Central Railway at Hajipur Head Quarter Officer, Hajipur

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 6095 of 2020

1. Manoj Kumar Nirala, Son of Sri Sheo Nandan Yadav, Assistant Loco Pilot, Gomoh Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.
2. Bikesh Kumar Singh, Son of Sri Arjun Singh, Technician- III/ Fitter, Patherdih, Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.

... .. Petitioner/s

Versus

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 (Bihar).
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 Chief Electrical Engineer, East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.- Hajipur (Sadar), District- Vaishali, Pin Code- 844101 (Bihar).
4. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad Pin Code- 826101.



5. The Senior Divisional Electrical Engineer, East Central Railway, Dhanbad
Pin Code- 826101.
6. The Senior Divisional Personnel Officer, East Central Railway, Mughalsarai,
Pin Code- 232101.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 9335 of 2019)

For the Petitioner/s : Mr. Awadhesh Kr. Pandey, Sr. CGC
Mr. Ram Tujabh Singh, Advocate
For the Respondent/s : Mr. M.P. Dixit, Advocate
Mr. S.K. Dixit, Advocate
Mr. S.K. Chaubey, Advocate
Mrs. Swastika, Advocate

(In Civil Writ Jurisdiction Case No. 6095 of 2020)

For the Petitioner/s : Mr. Munna Pd Dixit (M.P. Dixit)
Mr. S.K. Dixit, Advocate
Mr. S.K. Chaubey, Advocate
Mrs. Swastika, Advocate
For the Respondent/s : Mr. Sujeet Kr. Sinha, Advocate

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

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

29 04-05-2023

In CWJC No. 9335 of 2019

In the instant petition, petitioners have assailed the order dated 03.08.2018 in O.A/050/00524/2018 passed by the Central Administrative Tribunal, Patna Bench Patna (for short CAT, Patna) read with order dated 06.12.2018 passed in RA/050/00041/2018.

2. Gist of the matter is that the respondent, who was working as a Senior Assistant Loco Pilot at Rajkot Division, Western Railway, requested for his transfer to Danapur Division, East Central Railway and sought posting at Danapur Division.



Such request was made by him way back on 14.03.2013 but it was considered on 23.01.2018. He had reported East Central Railway (Head Office) at Hajipur on 29.01.2018. Thereafter, it is reliably learnt that he has been orally asked to go and report at Dhanbad Division. Thus, respondent feeling aggrieved by the inaction on behalf of the petitioners in not giving posting at Danapur Division filed O.A. No. 50/524 of 2018, it was allowed on 03.08.2018. It was given effect on 12.06.2019 by posting the respondent to Danapur Division while reverting him to the post of Assistant Loco Pilot with reference to his request transfer. During pendency of the present petition, he has earned promotion to the post of Senior Assistant Loco Pilot w.e.f. 07.05.2022.

3. In view of these developments, the present petition stands disposed of while affirming the order of the C.A.T. dated 03.08.2018 passed in O.A/050/00524/2018.

In CWJC No. 6095 of 2020

Learned counsel for the respective parties on instruction submitted that identical matters have been allowed in favour of the Railways.

2. In the light of order passed in CWJC No. 5112 of 2020, this writ petition stands dismissed insofar as petitioner



no.1, Manoj Kumar Nirala is concerned.

3. Insofar as petitioner no.2, Bikesh Kumar Singh is concerned, he is not interested to pursue this matter, since he has been given posting elsewhere.

4. Accordingly, the writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Balmukund/
DKS/-

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