

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13097 of 2019

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1. The Union of India through the General Manager, East Central Railway, Hajipur, District-Vaishali (Bihar)
 2. The General Manager (Personnel) East Central Railway, Hajipur, District-Vaishali (Bihar)
 3. The Divisional Railway Manager East Central Railway, Samastipur (Bihar)
 4. The Senior Divisional Personnel Officer East Central Railway, Danapur (Bihar)
 5. The Senior Divisional Engineer (Co-ordination) East Central Railway, Samastipur (Bihar)
 6. The Senior Divisional Financial Manager East Central Railway, Samastipur (Bihar)

... .. Petitioner/s

Versus

1. Ashok Kumar Sharma Son of Sri Prabhu Thakur Junior Engineer (P. Way), USFD, East Central Railway, Samastipur (Bihar)
2. Basant Kumar Jha S/o Late Munnindra Jha Junior Engineer (P. Way), Kamtaul, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent/s : Mr. Munna Pd Dixit (M.P. Dixit)

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

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

7 17-07-2023 In the instant petition, petitioner has prayed for the following reliefs:-

"A. For setting aside the order dated 06.04.2018 passed by the learned Central Administrative Tribunal, Patna Bench, Patna in O.A. No. 050/00601 of 2014 whereby the said original application has been allowed in terms of the observations made therein.



B. For any other relief(s) for which the Petitioners are entitled."

2. On 05.07.2023, the following order was passed:-

"Prima facie, we found that respondents were stated to have been selected to the promotional post of Junior Engineer on 14.07.2010. Thereafter, they were posted on 15.07.2010. After a lapse of four and a half years, official – petitioner notice that there were certain errors committed while preparing select and panel list on 07.07.2010 read with 14.07.2010 to the extent that respondents were not entitled to be empanelled. After a lapse of four and a half years, the concerned official petitioner has not taken any action to withdraw the select list, panel list and order of promotion dated 07.07.2010, 14.07.2010, and 15.07.2010 respectively. In the absence of withdrawal of the aforesaid proceedings in the manner known to the law reversion of the petitioner from the post of Junior Engineer to that of Supervisor is arbitrary.

2. At this stage, learned counsel for the petitioner seeks time to get instruction as to whether the concerned official petitioner has taken necessary steps insofar as withdrawing the panel list, final list and promotional list before effecting reversion of respondents from the post of Junior Engineer to that of Supervisor.

3. Re-list this matter on 17.07.2023."

3. Today, Dr. K.N. Singh, ASG appearing on behalf of



the petitioner submitted that there were certain developments in the year 2013 insofar as merger of various cadres or two cadres like Supervisor and Junior Engineer. Therefore, matter could be disposed off.

4. In view of these facts and circumstances, the present petition stands disposed off while affirming the order dated 06.04.2018 passed in O.A. No. 050/00601 of 2014 by Central Administrative Tribunal (CAT), Patna Bench, Patna. Consequently, the service benefits of petitioners shall be settled by the concerned official respondent in accordance with law.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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