

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10019 of 2023

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Narayan Verma Son of Late Ganauri Prasad Resident of Makhdumpur, Gate
No. 88, Digha, P.S. Digha, District Patna.

... .. Petitioner/s

Versus

1. The Union of India through General Manager, E.C. Railway, Hajipur
2. Divisional Railway Manager, E.C. Railway, Danapur
3. Senior Divisional Personnal Officer, E.C. Railway, Danapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Priya Ranjan Prasad
For the UOI	:	Mr.Sujeet Kumar Sinha, CGC
For the Respondent/s	:	Mr.Additional Solicitor General

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

2 05-12-2023 Heard counsel for the parties.

2. The petitioner has filed this writ application for issuance of writ in the nature of *Mandamus* commanding the respondent authorities to temporary transfer the petitioner in Patna lobby for the post of Loco Pilot (Good) under E.C. Railway, Danapur on the ground of mercy till the medical treatment of mother-in-law is concluded.

3. Learned counsel for petitioner contended that petitioner earlier preferred CWJC No. 5140 of 2022 which was disposed of on 06.04.2023 for considering his representation pending before the authorities. It is further contended that petitioner is a staff of Union of India (Railway) employee of



East Central Railway, Danapur Division bearing Employment no. 27621001953 posted at Headquarters Kiul in the designation of Loco Pilot (Goods) and his transfer was made in Kiul Headquarter in the month of January, 2021. This writ application is filed on two grounds:-

(a) mercy ground

(b) medical ground

It is specifically contended by the counsel for the petitioner that patient Mrs. Malti Devi has no male member and no son to take of her treatment and except the petitioner there is no other to take care of his mother-in-law and, therefore, prayed to direct the authorities for his temporary transfer.

4. On the other hand, learned counsel for State contended that initially the petitioner has preferred a writ application CWJC No. 5140 of 2022 before the Hon'ble High Court and this Court has passed order dated 06.04.2023 directing the authorities to consider the representation of the petitioner and his wife and to pass appropriate orders within a period of three months from the date of receipt/production of a copy of the order. It is also contended by the learned counsel for respondent-State that the respondents have passed appropriate orders on the representation of petitioner and if at all the



petitioner is aggrieved by the said order he has to prefer an appeal before the appropriate authority ie. Central Administrative Tribunal (CAT) as the writ application is not at all maintainable.

5. Considering the rival submissions of the parties, this court is of the considered view that the writ application is not maintainable and if the petitioner has any grievance against the order passed by the respondent, he has to prefer an appeal before the appropriate authority ie. Central Administrative Tribunal (CAT).

6. With the aforesaid observation, this writ application is dismissed at the stage of admission being devoid of merits.

(G. Anupama Chakravarthy, J)

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