

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25231 of 2019

1. The Union of India through the General Manager, E.C. Railway, Hajpur
2. The Divisional Railway Manager, Samastipur Division, E.C. Railway, Samastipur
3. The Divisional Railway Manager (Personnel) Samastipur Division, E.C. Railway, Samastipur
4. The Divisional Railway Manager (Operating) E.C. Railway, Samastipur
5. The Assistant Personnel Officer E.C. Railway, Samastipur

... .. Petitioner/s

Versus

Md. Shafique S/o Late Md. Rafique retired Station Superintendent at present at Nackchhed Tola, Motihari, Post Office- Motihari, District- East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Singh, Advocate
For the Respondent/s : Mr. Abdul Hakim, Advocate

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

Date : 05-07-2023

In the instant petitioner, the petitioner has prayed for the following relief(s):-

"1. That this is an application for setting aside order dated 01.10.2015 in O.A no 138 of 2013 passed by Hon'ble Mrs. Urmita Datta (Sen), Member (Judicial) by which the Central Administrative Tribunal, Patna directed the respondents to grant the applicant "Accident Free Service Award" within a period of two months from the date of receipt/production of copy of the order. The Review Application vide RA No



050/00107/2016 alongwith petition for condonation of delay vide M.A No 050/00379/2016 too was dismissed refusing to condone the delay by order dated 04.10.2016.”

2. The respondent was denied the benefit of ‘Accident Free Service Award’ by the petitioners-railway authorities on 22.10.2012. It was subject matter of litigation in O.A. No. 138 of 2013 and it was decided in favour of the respondent on 1st of October, 2015. Feeling aggrieved and dissatisfied with the order dated 1st of October, 2015, passed in O.A. No. 138 of 2013, the petitioners-railway authorities preferred R.A./050/00107/2016 along with M.A./050/00379/2016, which was dismissed on 4th of October, 2016. Hence the present writ application.

3. Learned counsel for the petitioners submitted that the respondent do not fulfill the criteria for award of railway staff for Accident Free Service with reference to proceeding dated 06.07.1998, vide Annexure-P/2, the respondent do not fulfill the criteria laid down in para 5(b). In other words, the respondent was punished on three occasions with minor penalties. The same was not appreciated before the CAT while deciding O.A. No. 138 of 2013. If the petitioners fail to apprise before the CAT in the Original Application, which was pending



consideration for about two years. That apart, CAT, while deciding the Review, have specifically taken note of issue of delay in filing the review as well as there is no error apparent on the face of the record so as to review the orders passed in O.A. No. 138 of 2013 read with R.A./050/00107/2016 and M.A./050/00379/2016. Hence, there is no merit in this petition.

Accordingly, the writ petition stands dismissed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.07.2023
Transmission Date	

