

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11817 of 2018

-
1. Hemant Kumar Verma Son of Late Roop Lal Ex Station Master, East Central Railway, Mugalsarai, Resident of Village/Mohalla - Anand Bazar, P.O. - Danapur Cantt., P.S. - Danapur, District - Patna Bihar.
 2. Shankar Kumar Verma Son of Late Mahadev Narayan Verma Ex - Adjudicator Station Master, East Central Railway, Mugalsarai, Resident of Village/Mohalla - Yogendra Palace, Flat No. 301, Khajpura, P.O. B.V. Colony, P.S. - Airport, District - Patna Bihar.
 3. Jagat Kumar Son of Late Ganga Ram Ex Station Master, East Central Railway, Mugalsarai, Resident of Village/Mohalla - Bari Khagaul, Mulcharisthan, P.O.Khagaul, P.S. - Khagaul, District - Patna Bihar.

... .. Petitioner/s

Versus

1. The Union Of India through the Chairman, Railway Board, Ministry of Railway, Government of India, Rail Bhawan, New Delhi-110001.
2. The General Manager, East Central Railway, East Central Railway, Hajipur, P.O. - Digghi Kalan, District-Vaishali at Jahipur, Pin-844101 (Bihar)
3. The General Manager Personnel, East Central Railway, East Central Railway, Hajipur, P.O. - Digghi Kalan, District-Vaishali at Jahipur, Pin-844101 (Bihar)
4. The Divisional Railway Manager, East Central Railway Mugalsarai, P.O. - Mugalsarai, P.O. - Mugalsarai, District -Chandauli (U.P.)
5. The Divisional Railway Manager Personnel, East Central Railway, Mugalsarai, P.O. - Mugalsarai, District -Chandauli (U.P.)
6. The Senior Divisional Financial Manager, East Central Railway, Mugalsarai, P.O. - Mugalsarai, District -Chandauli (U.P.)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. M.P. Dixit, Advocate Mr. S. K. Dixit, Advocate Mr. Sanjay Chaubey, Advocate Mrs. Swastika, Advocate
For the Respondent/s	:	Mr. Abhay Shankar Jha, C.G.C.

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

Date : 30-01-2023

Heard learned counsels for the respective parties.



2. Short question for consideration in the present petition is whether order of the Central Administrative Tribunal, Patna Bench, Patna (for short 'CAT') dated 26.05.2017 could be interfered to grant retrospective monetary benefits on account of pay anomaly which occurred on 31.12.1990 or not? The petitioners have invoked remedy of Labour Court in raising an industrial dispute. They had certain benefits through award passed by the Jurisdictional Industrial Tribunal and it was given effect by the employer-respondents. Thereafter, one of the co-employee got some more relief from the CAT in the year 2011 and thereafter petitioners opened their eyes and filed O.A. No. 689 of 2013 to extend monetary benefits on par with juniors. It is to be noted that cause of action accrued to the petitioner on 31.12.1990 read with award dated 28.11.1992. In other words, they were fence sitter. Co-employee approached the CAT and got relief. Taking note of the co-employee's litigation, the petitioners filed O.A. No. 689 of 2013 while claiming monetary benefits from 31.12.1990.

3. Having regard to the conduct of the petitioners that they slept over the matter between 28.11.1992, the date on which the award was passed till filing of O.A. No. 689 of 2013, they are not entitled to monetary benefits. Therefore, they have



not made out a case, so as to interfere with the portion of the
CAT order passed in O.A. No. 689 of 2013 dated 26.05.2017.

Accordingly, the writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/Daya/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	03.02.2023
Transmission Date	

