

Court No. - 1

Case :- WRIT - A No. - 9481 of 2023

Petitioner :- Ajeet Kumar Srivastava

Respondent :- Union Of India Thru. General Manager North Eastern Railway Gorakhpur And 4 Others

Counsel for Petitioner :- Praveen Kumar, Saroj Kumar Verma

Counsel for Respondent :- A.S.G.I.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

(1) Heard Sri Praveen Kumar, learned counsel for the petitioner and Sri Sudhanshu Chauhan, learned Counsel for opposite party Nos.1 to 4/Railways.

(2) Assailing the order dated 04.10.2014 passed in Original Application No. 01 of 2019, whereby the Original Application filed against the order dated 02.11.2018 treating the period from 03.08.2006 to 13.01.2013 as *dies non* has been dismissed, the petitioner has filed the instant writ petition under Chapter VIII Rule 5 of Allahabad High Court Rules, 1952.

(3) At the very outset, Sri Sudhanshu Chauhan, learned counsel for opposite party nos.1 to 4 has submitted that the question involved in the instant writ petition has been decided vide judgment and order dated 13.12.2013 passed in Writ-A No. 9413 of 2023, *Ashok Kumar Verma v. Learned Central Administrative Tribunal, Lucknow Bench, Lucknow and others*. The operative portion of the order reads as under:-

*"11. The writ petition is accordingly **allowed** and the impugned judgment and order dated 04.10.2023 passed in Original Application No.332/00308/2019 is set aside and the impugned orders dated 2.11.2018 and 15.4.2019 are quashed. The respondents are directed to treat the petitioner in service for the period of absence from duty, i.e. from the date of order of removal from service passed on 3.10.2006 up to the date of reinstatement i.e. 11.01.2013 and pay salary and other allowances, as may be admissible under law."*

(4) Learned counsel for the petitioner has fairly conceded that the above order has squarely settled the matter and issues involved in the instant writ petition.

(5) In view of consensus of learned counsel for both the parties, the writ petition is **allowed** and the impugned judgment and order dated 04.10.2013 passed in Original Application No. 01 of 2019, *Ashok Kumar Srivastava v. Union of India* is set aside and the impugned order dated 02.11.2018, contained in Annexure No.2 to the writ petition, is quashed. The respondents are directed to treat the petitioner in service for the period of absence from duty, i.e., from the date of

order of removal from service passed on 03.08.2006 upto the date of reinstatement i.e.,13.01.2013 and pay salary and other allowances, as may be admissible under law.

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[Om Prakash Shukla, J.] [Attai Rahman Masoodi, J.]

Order Date :- 14.12.2023

Sanjay