

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15995 of 2021**

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1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O. - Digghi Kala, P.S.- Hajipur (Town), District- Vaishali at Hajipur, Pin Code - 844101 (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur (Town), District Vaishali at Hajipur, Pin Code - 844101 (Bihar).
3. The Chief Medical Director, East Central Railway, Hajipur, P.O.- Digghi Kala, P.S.- Hajipur (Town), District - Vaishali at Hajipur, Pin Code - 844101 (Bihar).
4. The Divisional Railway Manager, East Central Railway, Sonapur, P.O and P.S.- Sonapur, Saran, Pin Code - 841101 (Bihar).
5. The Senior Divisional Personnel Officer, East Central Railway, Sonapur, P.O. and P.S. Sonapur, Saran, Pin Code- 841101 (Bihar).
6. The Chief Medical Superintendent, East Central Railway, Sonapur, P.O. and P.S. Sonapur, Saran, Pin Code- 841101 (Bihar).
7. The Senior Divisional Financial Manager, East Central Railway, Sonapur, P.O. and P.S.- Sonapur, Saran, Pin Code- 841101 (Bihar).
8. The Divisional Medical Officer, (Dental), East Central Railway, Muzaffarpur, Pin Code- 842001 (Bihar).
9. Dr. Shaligram Choudhary, Divisional Medical Officer, East Central Railway, Muzaffarpur, Pin Code - 842001 (Bihar).
10. Shri Shailesh Kumar Sinha, Health Inspector- Cum-Inquiry Officer, East Central Railway, Muzaffarpur, Pin Code- 842001 (Bihar).

.. ... Petitioner/s

Versus

Satish Prasad Ram Son of Late Deo Nath Ram, Substitute Safaiwala, under Chief Health Inspector, East Central Railway, Muzaffarpur (Bihar).

... ... Respondent/s

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**Appearance :**

|                      |   |                                                                                                                                                                                                                                          |
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| For the Petitioner/s | : | Dr. K.N. Singh, ASG<br>Mr. Alok Kumar, CGC, UOI                                                                                                                                                                                          |
| For the Respondent/s | : | Mr. Munna Pd Dixit, Advocate<br>Mr. Sanjay Kumar Dixit, Advocate<br>Mr. Sanjay Kumar Chaubey, Advocate<br>Ms. Swastika, Advocate<br>Mr. Shailendra Kumar, Advocate<br>Mr. Milind Raj Dixit, Advocate<br>Mr. Punit Ranjan Dixit, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL JUDGMENT**



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

**Date : 02-07-2024**

The present writ petition is filed on behalf of the Railway Department. Respondent - *Satish Prasad Ram* was appointed on *ad hoc* basis. His services were regularized. To that effect, date of birth of the respondent has been entered as 03.09.1970. This is evident from the supplementary affidavit filed on behalf of the petitioners - Railway Department. The petitioners are of the view that respondent was working in the year 1979, to that effect, there was a document. Taking note of such document, petitioners proceeded to initiate departmental inquiry to remove him from service. The Inquiring officer held that charges levelled against the respondent were not proved. The disciplinary authority disagreeing with the inquiring officer's report proceeded to impose penalty of dismissal from service. Thereafter, respondent had suffered appeal before the appellate authority. Those decisions were subject matter of litigation before the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as 'CAT') in OA No.050/00900 of 2018 and it was allowed on 02.05.2019. Resultantly, the petitioners feeling aggrieved and dissatisfied with the order of the CAT dated 02.05.2019, filed the present writ petition.



2. The learned counsel for the petitioners vehemently contended that the respondent was working with the Railway Department in the year 1979, therefore, his date of birth cannot be 03.09.1970. The same has not been appreciated by the CAT in the light of orders of the disciplinary and appellate authority.

3. The CAT proceeded to allow the original application filed by the respondent. The matter was taken up on more than one occasion by us while passing order on 20.03.2024 and 07.05.2024. It is necessary to reproduce the aforementioned orders and it read as under :-

**“Dated : 20.03.2024**

*Annexure – 4 to Supplementary Affidavit dated 19.09.2023 filed on behalf of the petitioners is only a xerox copy and the petitioners are not having original copy in their file. Even in the original file they have a xerox copy. On the other hand, learned counsel for the respondents submitted that Annexure – 4 is created document on behalf of some of the officials of the petitioners in order to overcome such disputed issue. We are expecting inward register as on 04.07.1999. The concerned extract of the inward register dated 04.07.1999 shall be furnished so as to ascertain whether official petitioners are in receipt of respondents’*



*communication vide Annexure-4 –  
Communication of Respondent or not?*

*2. Relist this matter on 18.04.2024.*

**Dated : 07.05.2024**

*The petitioners could not comply the Orders of this Court dated 20.03.2024. In particular, as on 04.07.1999 extract of the inward register due to passage of time, they have not maintained the record. If it is so, the petitioners are hereby directed to produce service book / service register in respect of Satish Prasad Ram – respondent so as to peruse the same and find out what is the date of birth entry and on what date it was made with reference to what document. If the date of birth entry is 1970, in that event, whether petitioner was made known of service book. In other words, normally in the Government departments head of the department would generate two sets of service book one would be kept with the department and another would be made available to the concerned employees / officials. This may also be taken note of and apprise on the next date of hearing.*

*2. Re-list this matter on 25.06.2024.”*

**4.** In the light of our aforementioned orders, petitioners have filed supplementary affidavit while enclosing medical certificate / physical fitness of the candidate issued by the



medical department in which the date of birth of the respondent was mentioned as 03.09.1970. Such a certificate is dated 21.07.2013. Further, service book for pensionable non-gazetted staff document has been placed. Even in such document, the date of birth of the respondent has been indicated as 03.09.1970. Such entry must have been effected in the year 2003 in the light of the fact that respondent was appointed on 30<sup>th</sup> December, 2000 followed by regularization. Even the date of appointment is indicated in the service book for pensionable non-gazetted staff. Taking note of these facts and circumstances and the fact that petitioners have no other document to show that respondent's date of birth *i.e.* 03.09.1970 is incorrect, even they do not have particular date of birth with reference to any document other than the date of birth as 03.09.1970, petitioners have not made out a case so as to interfere with the order of the CAT dated 02.05.2019 passed in O.A./050/00900 of 2018. Accordingly, the writ petition stands dismissed.

**(P. B. Bajanthri, J)**

**(Alok Kumar Pandey, J)**

GAURAVS./Durgesh-

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|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 06.07.2024 |
| Transmission Date | NA         |

