

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9440 of 2024

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Shashi Ranjan, son of Sri Nagendra Prasad Singh, Ex-Senior Section Engineer (Works), East Central Railway, Sonpur, District-Saran, Resident of Village/Post-Mirza Nagar, PS-Mahua, District-Vaishali-844122 (Bihar).

... .. Petitioner

Versus

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-841001 (Bihar).
2. The General Manager, East Central Railway, Hajipur, P.O.-Digghi Kala, P.S.-Hajipur (Town), District-Vaishali at Hajipur, Pin Code-841001 (Bihar).
3. The Principal Chief Engineer, East Central Railway, Hajipur, P.O.-Digghi Kala, P.S.-Hajipur (Town), District-Vaishali at Hajipur, Pin Code-841001 (Bihar).
4. The Divisional Railway Manager, East Central Railway, Sonpur, District-Saran-841101 (Bihar).
5. The Additional Divisional Railway Manager, East Central Railway, Sonpur, District-Saran-841101 (Bihar).
6. The Senior Divisional Personnel Officer, East Central Railway, Sonpur, District-Saran-841101 (Bihar).
7. The Senior Divisional Engineer (Co-Ordination), East Central Railway, Sonpur, District-Saran-841101 (Bihar).
8. The Senior Divisional Financial Manager, East Central Railway, Sonpur, District-Saran-841101 (Bihar).
9. The Assistant Divisional Engineer (Land), East Central Railway, Sonpur, District-Saran-841101 (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Munna Pd Dixit (M.P. Dixit), Advocate Mr. S.K. Dixit, Advocate Mr. S.K. Chaubey, Advocate Mrs. Swastika, Advocate Mr. Shailendra Kumar, Advocate Mr. Punit Ranjan Dixit, Advocate Mr. Milind Raj Dixit, Advocate
For the Respondent/s	:	Mr. Amrendra Nath Verma, Sr. Penal Counsel Mr. Rakesh Kumar, CGC

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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 : 26-09-2024

In the instant petition, petitioner has prayed for the following reliefs:-

(A) For issuance of Writ in the nature of Certiorari for quashing / setting aside the Order dated 04.04.2024 passed by the Learned Central Administrative Tribunal, Patna Bench, Patna herein after CAT in Original Application No.050/00406 of 2021 as contained in Annexure-1 to the writ application whereby instant Original Application has been dismissed illegally.

(B) For issuance of Writ in the nature of Certiorari for quashing the order of Removal from service dated 02.11.2018 passed by Disciplinary Authority together with appellate order and revisional order dated 21.01.2019 and 23.12.2019 as contained in Annexure-A/7, A/9 and A/11 respectively to the Paper-Book.

(C) For issuance of Writ in the nature of Certiorari declaring the Charge sheet dated 27.03/02.04.2018 and Inquiry Report dated 30.07.2018 as contained in Annexure-A/3 and A/5 to the Paper- Book as defective, perverse, vitiated, null, void, abinitio wrong and in violation of the principle of natural justice.

(D) For issuance of Writ in the nature of Mandamus commanding the respondents to reinstate the petitioner in service henceforth with



effect from 02.11.2018 and pay the salary along with all consequential benefits including statutory interest.

(E) Any other appropriate relief/reliefs for which the Petitioner may be entitled, to be granted by this Hon'ble Court along with all benefits.”

2. On 19.09.2024, we have passed the following order:

“Learned counsel for the Respondent is hereby directed to ascertain whether the present matter is covered by co-ordinate Bench order dated 10.10.2022 passed in C.W.J.C. No. 6738 of 2017 and 13.12.2022 passed C.W.J.C. No. 16752 of 2019.

2. Re-list this matter on 26.09.2024.”

3. Today, learned counsel for the Respondent, on instruction, submitted that it is admitted fact that Presenting Officer was not appointed in the Disciplinary proceedings. Resultantly, the present matter is similar to that of C.W.J.C. No. 6738 of 2017 (***Salim Ahmad versus The Union of India and Others***) decided on 10.10.2022.

4. Accordingly, Original Application filed by the petitioner stands allowed. Central Administrative Tribunal,



Patna Bench, Patna order dated 04.04.2024 passed in O.A No. 050/00406 of 2021 stands set aside. Writ petition stands allowed.

5. The Disciplinary Authority is permitted to commence the inquiry afresh in accordance with law and after due opportunity to the petitioner in the proceedings, and proceed from the defective stage and complete the proceedings within a period of 06 months from the date of receipt of this order. He is also directed to peruse our earlier order dated 10.10.2022 passed in C.W.J.C. No. 6738 of 2017 (*Salim Ahmad vs. The Union of India and Others*). The petitioner shall co-operate in the disciplinary proceedings.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.09.2024
Transmission Date	NA

