

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 7666 of 2017

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1. The Union of India through the Zonal Manager,
East Central Railway, Hajipur.
 2. The Chief Engineer, East Central Railway, Hajipur.
 3. The Senior Divisional Personnel Officer, East Central Railway,
Dhanbad.
 4. The Senior Divisional Engineer, East Central Railway, Dhanbad.
- **Petitioners.**

Versus

Yashpal Singh, son of Sri Ashok Kumar Singh, resident of Dharhara,
Tomartola, P.O. & P.S. Dharhara, District Munger (Bihar)

..... **Respondents.**

CORAM: HON'BLE DR. JUSTICE S.N.PATHAK
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Petitioners	:	Ms. Bakshi Vibha, Advocate
For the Respondents	:	Mr. Sanjay Kumar Sinha, Advocate

08/ 15.07.2024 The defects pointed-out by the Office is hereby ignored.

2. Heard the parties.

3. By way of the present writ petition, the petitioners have prayed for quashing the order dated 01.06.2017, passed in O.A./051/00052/2014 (Annexure-6), by learned Central Administrative Tribunal, Ranchi whereby the learned Tribunal has quashed the panel dated 24.07.2012 and directed to the respondents (petitioners herein) to draw a revised panel of 27 candidates strictly on the basis of seniority of Mates and then Keyman and then Gangman/ Trackman as per their respective seniority in the Division.

4. At the outset learned counsel appearing for the parties jointly submits that the similar issue fell for consideration before this Court in **W.P.(S). No. 4599 of 2017 (Shiv Chandra Yadav & Ors. vs. Union of India & Ors.)** and the Division Bench of this Hon'ble Court after hearing the parties vide

its judgment delivered on **14.03.2024**, allowed the said writ petition with the following observations:

71. Since we have upheld the outcome of the order passed by the learned Tribunal so far as it relates to the quashing of the order dated 24.07.2012, therefore, this Court is of the view that merely because the petitioners have been granted subsequent promotion, the illegality which has been crept up by not following the policy decision of promotion will be allowed to be remain.

72. This Court, based upon the aforesaid reason and taking into consideration the power of judicial review as per the judgment rendered by Hon'ble Apex Court in the cases referred hereinabove, is of the view that the impugned order needs to be upheld so far as its outcome is concerned, with a direction upon the respondents to prepare the final panel on the basis of the merit position of one or the other candidates based upon the written test already conducted

5. Learned counsel for petitioners submit that since similar issue has already been decided by this Court, if this Court directs the case of present respondents shall be considered and if he is found entitled for the similar benefits, what has been extended to the petitioners in **W.P.(S). No. 4599 of 2017 (Shiv Chandra Yadav & Ors. vs. Union of India & Ors.)** same shall be extended to him by passing a reasoned order.

6. In view of the fair submissions made by the learned Counsel for the parties, this writ petition is being **disposed of** in terms of the order dated **14.03.2024**, passed by the Division Bench of this Hon'ble Court in case of in **W.P.(S). No. 4599 of 2017 (Shiv Chandra Yadav & Ors. vs. Union of India & Ors.)** and if the case of the present respondent is found to be same and similar to the cases of the petitioners in **W.P.(S). No. 4599 of 2017 (Shiv Chandra Yadav & Ors. vs. Union of India & Ors.)**, the present respondent is also entitled for the same benefits.

7. Accordingly, I hereby direct the petitioner-authorities to verify the factual aspects/issues involved in the present writ petition vis. a vis. factual

aspects/issues involved in **W.P.(S). No. 4599 of 2017 (Shiv Chandra Yadav & Ors. vs. Union of India & Ors.)**, and if the facts/issues involved in the present writ petition is found to be similar to the aforementioned writ petition, the same benefits may be extended to the present respondents also in accordance with law, within a period of eight weeks from the date of receipt/ production of a copy of this order.

8. With these observations and directions, this writ petition stands disposed of.

9. Pending I.A. No. 10034 of 2017 also stands disposed of.

(Dr. S.N. Pathak, J.)

(Arun Kumar Rai, J.)