

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10504 of 2023

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Ganesh Chandra Mishra, S/o Late Shri Chandra Mishra, R/o 249, Defence Colony, P.O.- Lohianagar, P.S.- Kankarbagh, District-Patna.

... .. Petitioner.

Versus

1. Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. General Manager, Eastern Railway, 17, Netajee Subhash Road, Kolkata.
3. Chief Administrative Officer, Construction, Eastern Railway, 17, Netajee Subhash Road, Kolkata.
4. Joint Secretary (E), Railway Board, Rail Bhawan, New Delhi.
5. Deputy Secretary (E), Railway Board, Rail Bhawan, New Delhi.

... .. Respondents.

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Appearance :

For the Petitioner	:	Mr. Baidya Nath Thakur, Advocate.
For the Respondents-UOI:		Mr. Ratnesh Kumar, Senior CGC.
		Mr. Aditya Anand, Advocate.
		Mr. Rajeev Ranjan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-02-2025

Petitioner-Ganesh Chandra Mishra has assailed the order of the Central Administrative Tribunal, Patna Bench, Patna (for short 'CAT') dated 18th August, 2015 passed in O.A.600 of 2011 and M.A.263 of 2011.

2. In O.A. 600 of 2011, petitioner had assailed two penalty orders dated 10.03.1999 and 08.03.1996. Both are punishments relating to withholding of certain pensionary benefits in view of the fact that he has attained the age of



superannuation and retired from service on 01.11.1992. For the purpose of invoking Section 19 of the Administrative Tribunal Act, 1985, petitioner has to file Original Application within a period of one year from the date of cause of action accrued to him. Cause of action accrued to the petitioner insofar as challenge to order dated 08.03.1996 on or before 07.03.1997 and in respect of challenge to the order dated 10.03.1999, he had a cause of action on 09.03.2000, whereas O.A.600 of 2011 has been filed in the year 2011.

3. Under Section 21 of the Administrative Tribunal Act, 1985, there is a provision for filing Interlocutory Application for condonation of delay in filing Original Application. The petitioner had filed Miscellaneous Application 263 of 2011 insofar as condonation of delay. The reasons for condonation of delay of about more than one decade are stated in paragraphs-4 and 5 of M.A. 263 of 2011. Paragraphs-4 and 5 of M.A. 263 of 2011 are as under:

“4. That the applicant feels that the present case which is being filed is delayed by several years but due to some unavoidable and compelling circumstances, for which he could not move before this Hon’ble Court, since he has practically become a pauper.



5. That for the interest of justice the applicant most earnestly prays before this Hon'ble Court that in order to render substantial justice due to facts stated in the Original Application, the limitation period which comes against him be condone."

4. It is further noticed that the petitioner's son had invoked remedy of filing writ petition before this Court on behalf of the petitioner. It was dismissed on 11.07.2022 in C.W.J.C. No.14535 of 2021, resultantly, the present writ petition has been filed by the petitioner-Ganesh Chandra Mishra.

5. In the light of enormous and unexplained delay before the CAT insofar as to challenge the orders dated 08.03.1996 and 10.03.1999 and there is a technical flaw insofar filing Original Application before the CAT viz., petitioner was required to challenge one punishment order in a single Original Application in terms of Rule-10 of CAT Procedure Rules, 1987.

6. In the light of these facts and circumstances, petitioner has not made out a case on the ground of delay and laches in filing Original Application before CAT, Patna Bench, Patna. Hence no interference is warranted insofar as order dated 18.08.2015, passed in O.A.No.600 of 2011 and M.A. 263 of



2011, CAT, Patna Bench, Patna

7. Accordingly, the present writ petition stands dismissed.

8. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.02.2025.
Transmission Date	NA

