

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12705 of 2024

Binod Kumar Chaudhary alias Binod Kumar Choudhary S/o Raghunandan Chaudhary, R/o Village- Panchmahalia, ward No. 24, Panchmahla, P.O.- Mokama Ghat, P.S.- Mokama, District- Patna. Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, Rail Bhawan, Govt. of India, New Delhi.
2. The Chairman, Railway Recruitment Board, Ajmer, 2010, Nehru Marg, Ambedkar Circle, Ajmer, Rajasthan- 305028.
3. The General Manager, N.W. Railway, Jaipur- 302004.
4. The General Manager (P), N.W. Railway, Jaipur- 302004... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Respondent/s : Ms.Punam Kumari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA)

Date : 22-08-2025

Heard Mr. Ravish Mishra, learned counsel for the petitioner and Ms. Punam Kumari Singh, learned Central Government Counsel appearing on behalf of the Union of India (Railway).

2. The present writ application has been filed for quashing the order dated 09.04.2024 passed by the learned Central Administrative Tribunal, Patna (hereinafter referred to as CAT) in R.A No.10/2023 (arising out of O.A. No. 050/586/2014) by which the learned Tribunal has been pleased to uphold the order dated 05.12.2017 passed by the learned Single Judge, Central Administrative Tribunal Patna Bench, Patna, in O.A. No.



050/586/2014, wherein the learned Single Judge has pointed out no illegality and perversity in the order of dismissal from service of the petitioner from the post of Ticket Collector.

3. The petitioner had applied for the post of Ticket Collector in pursuance to the Employment Notice No. 03/2007 issued by the RRB AJMER. On the basis of the preliminary and main examination conducted by the RRB, the petitioner was selected on the post of Ticket Collector, and his name was sent to North Western Railway, Jaipur for appointment. Vide Letter No. EC-890/1, Bhag-01 dated 15.10.2009, the Sr. Divisional Personnel Officer, Jaipur had issued an offer for appointment to the petitioner on the post of Ticket collector on temporary basis, under certain terms and conditions stipulated therein. One of the conditions of the said order dated 15.10.2009 is that “*apki uprokt prastavit Niyukti Purntaya Asthayee Hai. Apki Yeh Naukari Yek Mah Ke Notice Ya Uske Badle Mein Yek Mahine Ka Vetan dekar samapt ki ja Sakti Hai. Nirdharit Paribikshakal (Probation) ki samapti par apki sthai (Asthao) pad par Niyukti varishthata ke Anusar Ki Jayege*”.

4. Learned counsel for the petitioner submits that after completion of preliminary and practical training, the applicant was given appointment on the post of Ticket Collector under Station



Superintendent, Banikui. Learned counsel for the petitioner further submits that all of a sudden without any valid cause, the petitioner was suspended with effect from 07.09.2012 while he was working as Ticket Collector during probation period at Bandikui, Head Quarter North West Railway, Jaipur. Learned counsel for the petitioner submits that just after five days of suspension and three days of confirmation the petitioner was terminated from his service with immediate effect. Vide order as contained in Memo No. S.E./C/161/2012/75(V) dated 12.09.2012 after payment of one month salary in lieu of one month notice in terms of letter of appointment as mentioned aforesaid.

5. Learned counsel for the petitioner submits that from a bare perusal of the dismissal order, it transpires that the petitioner has been terminated from the post in question on the ground that he used unfair means to obtain appointment, which has been supported by the report of Central Forensic Science Laboratory (CFSL) and also on the basis of the admission made by the petitioner that in the main examination in his place one Babu Ram @ Sanjay Kumar Ram has appeared. Learned counsel for the petitioner submits that the petitioner thereafter on 11.10.2012 submitted a detailed representation-cum-objection before the authority concerned, clearly stating that the admission of him has



been obtained by wrongful means by the concerning officers. Learned counsel for the petitioner submits that the petitioner has challenged the legality/validity of the termination order in O.A.No.050/586/2014 but the same was dismissed vide order dated 05.12.2017. Learned counsel for the petitioner submits that the petitioner has challenged the order dated 05.12.2017 passed in O.A.No.050/586/2014 in CWJC No.20373 of 2019 but the same was disposed of as withdrawn vide order dated 15.10.2019 with liberty to the petitioner to file a review application before the Central Administrative Tribunal.

6. It appears from the record that in compliance of order dated 15.10.2019 passed in CWJC No. 20373 of 2019, the petitioner has preferred a review petition bearing Review Application No.10/2023 but the same was dismissed by the learned CAT, Patna on account of the delay in filing the review petition vide order dated 09.04.2024.

7. Learned counsel for the Railway, on the other hand, has vehemently opposed the prayer and submits that the petitioner himself admitted during enquiry conducted by the Vigilance Department on 09.02.2012 that he having Roll No.12073042006463 appeared himself in preliminary examination which was held on 03.08.2008 at J.D.B., Inter College, Kota but in



the main examination held on 09.11.2008 at I.G.M.T.T. College, Mansarovar, Jaipur, his friend Shri Babu Ram @ Sanjay Kumar Ram was appeared on his behalf and the case of the petitioner was enquired by the Vigilance Department of the Railway which suggests that the petitioner has been terminated from the post in question on the ground that he was used unfair means to obtain appointment, the same was supported by the report of the Central Forensic Science Laboratory which suggests that the petitioner was not appeared in the main examination for the appointment of the post in question apart from that, the petitioner has been granted liberty on 15.10.2019 to file a review petition passed in CWJC No.20373 of 2019 but the review petition, which is under challenge in the present proceeding, was filed 31.08.2023 after almost four years of order dated 15.10.2019 and as per Section 22(3)(f) of the CAT Procedure Rules empowers the Central Administrative Tribunal to review its decision, however, paragraph-17 (1) of the CAT Procedure Rule stipulates that no application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

8. Having heard the learned counsel for the parties and perused the material available on the record, it is admitted fact that



the petitioner has been given liberty to file a review petition on 15.10.2019 and the petitioner has filed the review application on 31.08.2023 after almost four years of order passed in CWJC No.20373 of 2019 which suggests that the petitioner has moved before learned CAT, Patna after delay of more than four years and the CAT Rules has also prohibited the CAT, Patna to entertain the review petition, if it is not filed within thirty days from the date of receipt/production of a copy of the order. In the present case, thirty days shall be counted from 15.10.2019 and it is admitted position that the petitioner has filed the review petition on 31.08.2023.

9. The petitioner should have approached this Hon’ble Court (CAT) within reasonable period as stipulated in CAT Procedure Rule. The learned CAT has rightly rejected the R.A.No.10 of 2023 of the petitioner on the ground of delay and laches under the CAT Rules.

10. Accordingly, this writ petition stands dismissed.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.08.2025
Transmission Date	NA

