

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16857 of 2025

Baiju Mandal S/o Late Bokai Mandal, Resident of Village- Raghunathpur,
P.O- Barsoi, P.S- Barsoi, District- Katihar, Ex- Trackman, N.F. Railway,
Katihar, Division.

... .. Petitioner/s

Versus

1. Union of India through the General Manager, N.F. Railway, Maligon, Guwahti, Assam. 781011
2. The General Manager (Personal) N.F. Railway, Malegaon, Guwahati, Assam.781011.
3. Divisional Railway Manager (P) N.F, Railway, Tinsukhia 786125.
4. Divisional Railway Manager, N.F Railway, Katihar Division, katihar.854105
5. Additional Divisional Railway Manager, N.F Railway, Katihar Division, katihar.854105.
6. Senior Divisional Personal Officer, NF Railway, Katihar Division, katihar.854105.
7. Divisional Railway Manager (Personal), N.F Railway, Katihar Division, katihar.854105

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad, Advocate
For the UOI	:	Dr. K.N. Singh, ASG
		Mr. Shivaditya Dhari Sinha, Sr. Panel Counsel
		Mr. Manoj Kumar, CGC
		Mr. Ankit Kr. Singh, Advocate
		Mr. Prabhat Kumar, Advocate
		Mr. Sanjay Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 02-12-2025 The present writ petition has been filed against the

order dated 31.07.2024 passed in O.A.No.050/00579/2024,

whereby and whereunder the original application filed by the

writ petitioner has stood dismissed for want of prosecution. The



writ petitioner has also challenged the order dated 05.08.2025, passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'learned CAT') in MA/88/2025(Patna) (Restoration), whereby and whereunder the restoration application filed by the petitioner has also been dismissed for want of prosecution.

2. Shorn of the details, it would suffice to state that the learned counsel appearing before this Court, Md. Helal Ahmad, had filed an original application on behalf of the retired applicant/writ petitioner before the learned CAT in the year 2024, however on account of his non-appearance, the original application stood dismissed for want of prosecution by an order dated 31.07.2024. Nonetheless, the petitioner had promptly filed a restoration petition on 18.09.2024 vide M.A.No.050/88/2025 along with an application for condonation of delay, i.e. M.A. No.89/2025 but the learned CAT has dismissed the same for want of prosecution vide order dated 05.08.2025, while observing that the delay in filing the said restoration application has not been properly explained and the regular counsel is absent. The learned counsel for the petitioner has further submitted that unfortunately, he could not appear before the learned CAT on the day, the original application filed by the writ



petitioner, was listed for hearing inasmuch as he was under the impression that information regarding the listing of the case would be sent to him, however no such information was made available to him. It is also submitted that though prompt action had been taken for filing the restoration application, however meager delay of about 18 days had taken place in filing the restoration petition bearing M.A.No.050/88/2025, inasmuch as though the original application was dismissed for default on 31.07.2024 but the said restoration petition was filed on 18.09.2024, nonetheless the Registry of the learned CAT had pointed out that since there is delay in filing the restoration petition, a petition for condonation of delay is required to be filed, whereafter a petition for condonation of delay, bearing M.A. No.050/89/2025 was filed on 24.01.2025. The said petitions were listed before the learned CAT on 05.08.2025 and though the proxy counsel was present before the learned CAT during the hearing of the said applications but the said petitions have dismissed for want of prosecution. Therefore, it is prayed that since the present case pertains to payment of arrears of pension/family pension to a retired employee i.e. the petitioner herein, who is a senior citizen, a sympathetic view be taken and the original application be directed to be restored to its original



file and the matter be heard on merits.

3. Learned counsel appearing for the Union of India, Sri. Shivaditya Dhari Sinha, has not seriously opposed the prayer of the petitioner for restoration of the original application.

4. Having regard to the facts and circumstances of the case and in the interest of justice as also considering the fact that the present case pertains to entitlement of the writ petitioner, who is a senior citizen, to grant of arrears of pension/family pension, we deem it fit and proper to set aside the orders dated 31.07.2024 passed in O.A.No.050/00579/2024 and the one dated 05.08.2025 passed in M.A./88/2025(Patna)(Restoration) and direct for restoration of the aforesaid original application bearing O.A.No. 050/00579/2024 to its original file, however subject to the petitioner depositing a sum of Rs.1,000/-, by way of cost before the Patna High Court Legal Services Committee, Patna within a period of one week from today and producing the receipt thereof before the learned CAT along with a copy of this order on or before 18.12.2025. Thereafter, the learned CAT shall hear the aforesaid original application on merits expeditiously.

5. It is made clear that in case the learned counsel for the petitioner does not appear before the learned CAT on the date so fixed, pertaining to the aforesaid original application, the



learned CAT would be free to adjudicate upon the same on its own merits, without waiting for the learned counsel for the petitioner herein.

6. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

(Soni Shrivastava, J)

Harsh/-

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