

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.3316 of 2026

Santosh Kumar Aged about 29 years Son of Jugal Yadav Resident of Village-Matadih, Post Office-Paharpur, Police Station-Jamalpur, Dasrathpur Road, Near Thakurbari, Munger, District-Munger (Bihar)

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Petitioner

Versus

1. The Union of India through General Manager, South Eastern Railway 11, Garden Reach Road, Post Office-Sonai, Police Station-West Port, District-Kolkata, State-West Bengal-700043
2. The Divisional Railway Manager, South Eastern Railway, Ranchi Division, Post Office-Hatia, Police Station-Hatia, District-Ranchi, Jharkhand-834003
3. The Assistant Personal Officer, South Eastern Railway, Hatia, Post Office-Hatia, Police Station-Hatia, District-Ranchi, Jharkhand-834003

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Respondents

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Anup Kr. Agarwal, Advocate
Mr. Parth Sarthi, Advocate

For the Respondents : Mr. Prashant Pallav, A.S.G.I.
Mr. Bajrang Kumar, AC to A.S.G.I.

02/Dated: 12.05.2026

1. This writ petition under Article 226 of the Constitution of India is directed against the order dated 18.12.2025 passed by the Central Administrative Tribunal, Patna Bench, Patna (Circuit Bench at Ranchi) in O.A. No.051/00705/2025 with MA/051/00597/2025, by which, the original application has been dismissed, being not maintainable on the point of delay.
2. The brief fact of the case, as per the pleading made in the writ petition, reads as under: -

- (i) It is the case of the petitioner that an examination was conducted by the Railway Recruitment Board, South Eastern Railway, Kolkata and the result of the

examination was published in which he has been declared successful in the said examination.

- (ii) The respondent no.3, the Assistant Personnel Officer, South Eastern Railway, Ranchi issued letter of appointment to him vide letter no.SER/P-RAN/Rectt./Level-1/CEN-01/19/23 dated 23.03.2023, whereby and whereunder, he was informed that he has been selected on the post of Track Maintainer-IV, Level-1 In Engineering Department and directed him to attend the office of the Sr. Divisional Personnel Officer, South Eastern Railway, Ranchi on or before 23.04.2023 at 10:30 hrs. with all documents and original certificates. When the petitioner has received the said letter of appointment issued by the respondent authority, at that time, he was suffering from illness and got treated by Doctor Dilip Kumar on 10.03.2023 and therefore, treated by Railway Doctor from 10.04.2023 to 14.10.2023 and he was directed to take bed rest. Due to illness, the petitioner could not attend the office of the Sr. Divisional Personnel Officer, South Eastern Railway, Ranchi on 23.04.2023 but he sent an application to the respondent authority requesting to give him one more opportunity for submitting the relevant

certificates and documents before the authority concern. No receiving to his application was provided to the petitioner.

- (iii) When the respondent authority has not given any reply, he again has submitted a representation on 04.10.2023 and requested to give him one more opportunity for submitting relevant certificates and documents before the authority concerned. In spite of the repeated representations submitted by him, the respondent authority has not considered his grievances till date.
- (iv) The petitioner has not received any reply whatsoever from the respondent authority, a legal notice was sent to the respondent authority by the authorized Advocate of the petitioner vide his legal notice dated 04.10.2024 which was sent by post. After the service of legal notice, no response was given.
- (v) Being aggrieved with the aforesaid, the petitioner has preferred petition before the Central Administrative Tribunal being O.A. No.705 of 2025. The said petition was time barred and as such, petitioner has also filed an application for condonation of delay of 834 days which was separately numbered as M.A. No.597 of 2025. After

hearing the parties, the said Original Application being O.A. No.705 of 2025 was dismissed by the Tribunal vide order dated 18.12.2025, against which, the present petition has been filed.

3. It is evident from the factual aspect that the writ petitioner has been declared to be successful in the examination and appointed to the post of Track Maintainer-IV, in Pay Level-1 of 7th CPC Pay Matrix in Engineering Department. But due to illness, he could not be able to attend the office of the Sr. Divisional Personnel Officer, South Eastern Railway, Ranchi on 23.04.2023
4. It is the further case that by the time, when he was recovered from the ailment, altogether, substantial time has been lapsed and when he has been declared to be medically fit, by that time, altogether, 834 days has lapsed. Thereafter, he has approached to the authority for verification of document, so that, he may be allowed to join the duty in terms of offer of appointment, having not done so, the writ petitioner has approached to the tribunal after taking into consideration the aforesaid ground. The authority has rejected his application without taking into consideration the issue of ailment based upon the substantial document which was obtained from the government hospital showing the writ petitioner to be medically unfit, as would be evident from Annexure-3 to the writ petition.
5. Learned counsel for the petitioner, based upon the aforesaid, has submitted that the order passed by the learned tribunal needs to

be interfered with.

6. While, on the other hand, Mr. Prashant Pallav, learned A.S.G.I. appearing for the respondents has defended the impugned order by raising the issue of availability of provision of Section 21(3) of the Administrative Tribunal Act, 1985, which provides that the grievance is to be raised before the learned tribunal within the period of one year from the date of cause of action.
7. The period since is of 834 days and as such, whatever explanation has been furnished as per the provision of Section 21(3) of the Act, 1985, has not been found to be satisfactory by the learned tribunal by coming to the conclusion that the ground which has been shown to be not a sufficient cause to condone the delay.
8. This Court has heard the learned counsel for the parties.
9. This Court, after having heard the learned counsel for the parties, has posed a question to the learned A.S.G.I. on the issue of the Coram as per the provision made under Section 5 of the Administrative Tribunal Act, 1985.
10. The reason for posing this question is that the order has been passed (impugned in the present writ petition), by the Single member, i.e., the member in the administrative side.
11. Learned A.S.G.I. is fair enough to admit the fact after going through the provision of Section 5(i) of the Administrative Tribunal Act, 1985 that the Coram, as per the Administrative Tribunal Act, has been provided under the aforesaid provision. The requirement

is to have the Coram of two members, one being the member in the Judicial side and another the member in the administrative side.

12. However, he has also pointed out by making reference of sub-section (6) of Section 5 of the Administrative Tribunal Act, 1985.
13. This Court, in stead of going into the issue on merit, which has been agitated on behalf of the petitioner, has thought it proper to consider the issue of lack of jurisdiction, as available to the tribunal being presided over by the Coram of a member administrative.
14. For the aforesaid purpose, this Court has considered the provision of Section 5 of the Administrative Tribunal Act, 1985 which provides for the consideration of Tribunal and the Benches thereof, including sub-section (6) of Section 5 of the Act, for ready reference, Section 5(1)(2) & (6) of the Act, 1985 is being quoted as under:-

“5. Composition of Tribunals and Benches thereof.—(1) Each Tribunal shall consist of [a Chairman and such number of Judicial and Administrative Members] as the appropriate Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Tribunal may be exercised by Benches thereof.

[(2) Subject to the other provisions of this Act, a Bench shall consist of one Judicial Member and one Administrative Member.]

(6) Notwithstanding anything contained in the foregoing provisions of this section, it shall be competent for the Chairman or any other Member authorised by the Chairman in this behalf to function as 13[a Bench] consisting of a single Member and exercise the jurisdiction, powers and authority of the Tribunal in respect

of such classes of cases or such matters pertaining to such classes of cases as the Chairman may by general or special order specify:

Provided that if at any stage of the hearing of any such case or matter it appears to the Chairman or such Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of [two members], the case or matter may be transferred by the Chairman or, as the case may be, referred to him for transfer to, such Bench as the Chairman may deem fit.”

15. It is evident from the provision of Section 5(1) that each Tribunal shall consist of a Chairman and such number of Judicial and Administrative Members as the appropriate Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Tribunal may be exercised by Benches thereof.
16. Sub-section (2) of Section 5 thereof provides that subject to the other provisions of the Act, a Bench shall consist of one Judicial Member and one Administrative Member.
17. Sub-section 6 of Section 5, however, by way of exception since the said provision starts with the word ‘notwithstanding anything contained in the foregoing provisions of this section, it shall be competent for the Chairman or any other Member authorised by the Chairman in this behalf to function as a Bench consisting of a single Member and exercise the jurisdiction, powers and authority of the Tribunal in respect of such classes of cases or such matters pertaining to such classes of cases as the Chairman may by general or special order specify; Provided that if at any stage of

the hearing of any such case or matter it appears to the Chairman or such Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two members, the case or matter may be transferred by the Chairman or, as the case may be, referred to him for transfer to, such Bench as the Chairman may deem fit.

18. There is no dispute that sub-section (6) is by way of exception to Section 5(1) and (2) but the foremost condition as available after going through the provision of sub-section (6) of Section 5 that the power to that effect has been vested upon the Chairman or any other members authorized by the Chairman to preside the Bench by one member depending upon the classification of the classes or such matters pertaining to such classes as the Chairman may by general or special order specify, meaning thereby, the absolute power has been vested upon the member authorized by the Chairman to first carve out the classes of cases by passing a specific order as to which case is to be heard by the Coram having two members, one is the judicial member and the another is the member administrative and which cases are to be heard by the Single Member.

19. The reference of said exception is the tribunal having the Coram of one member if is deciding the issue then it is the bounden duty of the concerned Coram presided over by the Single member to specify by referring the classes of cases being specified by the Chairman under the authority in view of the

conferment of power under sub-section (6) to Section 5 but there is no reference to that effect in the impugned order.

20. This Court, therefore, is of the view that it is not a case where the exceptional provision as contained under Section 5(6) of the Act, 1985 has been exercised by the Coram having the single member (administrative).

21. The Coram, if has been provided to be constituted for the purpose of adjudication of the issue, that goes to the issue of jurisdiction and the law is well settled that if any adjudicatory forum has passed an order contrary to the statutory provision having less number of Coram, then such decision will be said to suffer from jurisdictional error.

22. The moment, the order suffers from judicial error, then, the sanctity of that order in the eye of law will not be available.

23. This Court, therefore, is of the view that the order which has been passed by the member administrative is without jurisdiction, being not in consonance with the provision of Section 5(1) read with sub-section (2) and as such, on this ground alone, the order dated 18.12.2025 passed by the Central Administrative Tribunal, Patna Bench, Patna (Circuit Bench at Ranchi) in O.A. No.051/00705/2025, is hereby, quashed and set aside.

24. Accordingly, the matter is remitted to the Tribunal by reviving the original application to be decided in accordance with law without being prejudiced by the order passed by this Court.

25. In the result, the instant petition stands disposed of with the

aforesaid observation and direction.

26. Pending interlocutory application, if any, also stands disposed of.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

12.05.2026
Rohit/- **A. F. R.**