

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO(S). 5668 OF 2018  
[@ SPECIAL LEAVE PETITION (C) NO. 13765 OF 2018]  
[DIARY NO. 16797 OF 2018]

RAMA NATH JHA

Appellant(s)

VERSUS

UNION OF INDIA

Respondent(s)

J U D G M E N TKURIAN, J.

1. Leave granted.
2. Writ Petition (C) No. 3548 of 2017 before the High Court of Judicature at Patna was filed by the appellant herein, challenging the order dated 14.12.2012 of the Central Administrative Tribunal, Patna in OA No. 42 of 2005 and other connected matters.
3. The issue pertains to the claim made by the appellant that his promotion as a passenger guard was based on a selection. The impugned Judgment of the High Court reads as follows :-

*"Heard counsel for the petitioner and the counsel for the Railways.*

*This Court is not willing to set aside the order of the Tribunal dated 14<sup>th</sup> December, 2012 now in the year 2017 on the ground*

that this petitioner was not made party and heard.

From perusal of the order of the Central Administrative Tribunal, Patna Bench, Patna, it is evident that this well considered decision has been taken keeping in mind the policy in vogue as well as the decisions, which have emerged subsequently after other rounds of legal battle before the Allahabad High Court and Hon'ble Apex Court. Individual grievances can be agitated before the Tribunal."

4. We do not find that any of the contentions raised by the appellant has been dealt with in the writ appeal judgment. For that only reason, we set aside the impugned Judgment and remand the matter to the Division Bench of the High Court to consider the matter afresh and pass a reasoned Judgment, advertng to the contentions raised by the appellant.

5. The appeal is disposed of as above.

No costs.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ MOHAN M. SHANTANAGOUDAR ]

New Delhi;  
May 18, 2018.

ITEM NO.16

COURT NO.5

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Diary No. 16797 of 2018

RAMA NATH JHA

Appellant(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.70165/2018-CONDONATION OF DELAY  
IN FILING and IA No.70169/2018-EXEMPTION FROM FILING O.T.)

Date : 18-05-2018 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Aditya Shankar, Adv.  
Mr. Sanchay Srivastava, Adv.  
Mr. Sameer Kumar, AOR  
Mr. Prateek Singh Chaudhary, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned. Leave granted.

The appeal is disposed of in terms of the signed  
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)