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## Union of India Vs Kawish Kumar

**W.P.(S) No. 4754 of 2015 With I.A. No. 5672 of 2015**

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**Court:** JHARKHAND HIGH COURT

**Date of Decision:** March 10, 2016

**Acts Referred:**

Constitution of India, 1950 - Article 226

**Citation:** (2016) 3 JBCJ 97

**Hon'ble Judges:** Virender Singh, C.J. and Shree Chandrashekhar, J.

**Bench:** Division Bench

**Advocate:** M/s. S.N. Pathak, Sr. Advocate Diwakar Upadhyay and Birju Thakur, Advocates, for the Appellant; Ms. Vandana Singh, Advocate, for the Respondent

**Final Decision:** Disposed Off

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### Judgement

Virender Singh, C.J.â€”Mr. S.N. Pathak, learned senior counsel, at the very outset, admitting it to be a fault of his office in not depositing the

entire court fees of Rs.250/- initially at the time of filing of the writ petition states that the deficiency will be made good by 01:00 O'clock today

itself. So far as other defects as pointed out by the Registry are concerned, we ignore all those defects.

2. Notice.

3. Ms. Vandana Singh accepts notice on behalf of respondents. Thus service is complete.

4. With the consent of learned counsel for both the sides, the instant petition is taken up on Board for its final consideration.

5. What appears to the Court is that in terms of the Railway Board's Letter/Policy Decision dated 10th February, 2011, the financial up-gradation

to Guard Category under MACP was reviewed and thereafter, different orders were issued with regard to recovery of excess payment made by

way of MACP. The respondent-applicants also being aggrieved of adverse view of the financial up-gradation extended to them, knocked the door

of Central Administrative Tribunal, Circuit Court, Ranchi (CAT, Ranchi), through the medium of OA/051/00027/2014 taking the plea that the

aforesaid Letter/Policy Decision dated 10th February, 2011 stands quashed by different Benches of CAT, which order is upheld in CWJC No.

18244/2013 decided on 19.07.2013 by the High Court of Allahabad. Not only that, the earlier writ petition being W.P. No. 51293/2006 on the

same issue was also dismissed on 15.09.2009 and the Special Leave to Appeal (Civil) 26787/2008 preferred by the Railways before Hon"ble

Supreme Court also dismissed on 07.12.2011. All these aspects have been duly considered by learned CAT, Ranchi while allowing the aforesaid

OA/051/00027/2014.

6. Mr. Pathak, learned senior counsel in the aforesaid background feels himself to be handicapped in assailing the impugned order of the learned

CAT, Ranchi. Viewed thus, we do not find any substance in the instant petition, which calls dismissal. Ordered accordingly.

7. Consequently, I.A. No. 5672 of 2015 also stands disposed of.