

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.710 of 2026

Sundari Devi wife of Late Kamleshwar Chaudhary, D/o Late Bundi Chaudhary, Resident Of Village - Bela Birra, P.O. - Silkai, P.S.- Makhdumpur, District- Jehanabad at present Chandrawansi Nagar, East Bhikhachak, P.S.- Gardanibag, District and Town- Patna.

... .. Petitioner/s

Versus

1. The Union Of India through the General Manager, East Central Railway, Zonal Office, Hajipur, District- Vaishali, Bihar,
2. The General Manager, East Central Railway, Zonal Office, Hajipur, Bihar.
3. The Divisional Railway Manager, Divisional Office, East Central Railway, Danapur Division, Patna, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the UOI : Mr. Bindhyachal Rai, Sr. Panel Counsel

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date : 20-01-2026

The present writ petition has been filed against the order dated 29.9.2022, passed in C.P. /20/2011 (Patna) in O.A./ 492/ 2008 by the learned Central Administrative Tribunal (hereinafter referred to as “the Ld. CAT”), Patna, whereby and whereunder the contempt proceedings have been dropped.

2. The brief facts of the case, according to the petitioner are that the husband of the petitioner was appointed as casual worker on the post of Class-IV Employee on 17.9.1969 in the Indian Railways at Bakhtiyarpur and subsequently, he



superannuated on 30.6.2004 while holding the post of Box Porter, Operating Department, Patna Junction, Patna. The service period of the husband of the petitioner was calculated from 7.2.1979 to 30.6.2004 for the purposes of pension, however it was the claim of the husband of the petitioner that his services should have been counted from 13.7.1973, hence he had approached the Ld. CAT, by filing an application bearing O.A. No. 492 of 2008, whereupon the Ld. CAT, vide order dated 9.11.2009 had directed the Respondents to calculate the service period of the petitioner from 13.7.1973 and not from 7.2.1979 and consequently, re-fix his pension and pensionary benefits as also pay admissible interest on the arrear amount of pension and pensionary benefits with effect from 13.7.1973. The said order dated 9.11.2009 was not complied with by the Respondents, leading to the husband of the petitioner filing a contempt petition before the Ld. CAT bearing CCPA No. 20 of 2011, however in the meantime, the Respondents challenged the aforesaid order dated 9.11.2009, passed by the Ld. CAT, before this Court in CWJC No. 1196 of 2012, nonetheless the same was dismissed as withdrawn, vide order dated 13.2.2012 with liberty to file review petition, whereafter the Respondents had filed review petition bearing R.A. No. 44 of 2013 and M.A. No.



408 of 2013, however the same was also dismissed by the Ld. CAT, vide order dated 5.12.2013. Thereafter, the Respondents had filed yet another writ petition bearing CWJC No. 11473 of 2014. In the meantime the husband of the petitioner died on 4.5.2011, leading filing of a substitution petition bearing M.A. No. 542 of 2012 but the same could not be pressed. The contempt proceedings, during the interregnum period, was dropped by the Ld. CAT, vide order dated 20.8.2015, subject to the outcome of the aforesaid writ petition bearing CWJC No. 11473 of 2014, nonetheless liberty was granted to the employee to revive the contempt petition in case of non-compliance of the directions of the learned Tribunal. The petitioner had then filed a revival petition on 11.5.2016, whereafter a substitution petition bearing M.A. No. 364 of 2017 was filed, which was allowed vide order dated 23.11.2017 and then though the aforesaid contempt petition bearing CCPA No. 20 of 2011 was revived but the proceedings were again dropped, vide order dated 13.12.2018.

3. It is the submission of the learned counsel for the petitioner that even after lapse of several years, no action was taken by the Respondents to comply with the aforesaid order dated 9.11.2009, passed in O.A. No. 492 of 2008, nonetheless



the contempt proceedings were dropped by an order dated 13.12.2018 on account of false contention of the Ld. Counsel for the Respondents that the order passed by the Tribunal has been complied with, however liberty was granted to the applicant to take legal recourse, if any grievance is unsettled.

The order dated 13.12.2018 reads thus:-

“Learned counsel for the respondents submits that the order passed by this Tribunal has already been complied with.

Accordingly, the contempt petition is dropped. Notices discharged.

However, liberty is granted to the applicant that if any grievance is unsettled, it is open to him to take legal recourse.”

4. Thereafter, the petitioner had again filed a revival petition being M.A. No. 298 of 2022, which was heard on 20.5.2022 and notices were directed to be issued to the contemnors / respondents. The said contempt petition was then listed on 29.9.2022, however since the learned counsel for the petitioner was not present during the course of hearing, on a false submission by the Ld. Counsel for the Respondents that the order has been complied with, the contempt proceeding has again been dropped by the impugned order dated 29.9.2022.

5. The Ld. Counsel for the petitioner has submitted that on



account of default on the part of the concerned Advocate, the petitioner should not be penalised, hence a sympathetic view be taken and the aforesaid contempt proceeding be directed to be revived.

6. We have gone through the materials on record and we find from the order dated 13.12.2018, passed in CCPA No. 20 of 2011 that the counsel for the petitioner / her deceased husband had not appeared before the Ld. CAT, however on the bald submission of the learned counsel appearing for the Respondents to the effect that the order of the learned Tribunal has stood complied with, the contempt proceedings were dropped, nonetheless liberty was granted to the applicant that in case any grievance is unsettled, it would be open to take legal recourse, leading to the petitioner having filed revival petition on various occasions, lastly vide M.A. No. 298 of 2022, which was heard on 20.5.2022 and notices were directed to be issued to the contemnors / respondents, nonetheless again on account of the non-appearance of the learned counsel for the petitioner, on two occasions i.e. 31.8.2022 and 29.9.2022, though the contempt petition had stood revived, the contempt proceedings were dropped.

7. At this juncture, we have put a query to the learned



counsel appearing for the Respondents as to whether any harm would befall upon the respondents in case the contempt petition is revived, to which the Ld. Counsel for the Respondents has submitted that the respondents/ contemnors be granted liberty to file their objections before the Ld. CAT, in case this Court deems it fit and proper to revive the aforesaid contempt proceedings.

8. Having regard to the facts and circumstances of the case and considering the aforesaid aspect of the matter as also taking into account the fact that for no fault on the part of aged widow lady (petitioner herein), her contempt petition has stood dismissed on account of non-appearance of her counsel on couple of occasions before the Ld. CAT, we are of the view that it would be in the interest of justice and equitable to revive the aforesaid contempt petition bearing CCPA No. 20 of 2011. Accordingly, the said contempt petition bearing CCPA No. 20 of 2011 stands revived and restored to its original file, which is directed to be listed before the Ld. CAT on 17.2.2026 at 10:30 am, on which date the learned counsel for the petitioner shall definitely appear before the concerned Bench of the Ld. CAT, however in the event of any default on his part to appear on any one occasion, the same would not only entail disposal of the



said contempt petition by the Ld. CAT on its own merit but would also effectuate finality to the present litigation.

9. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

(Praveen Kumar, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	5.2.2026
Transmission Date	NA

