

Court No. - 34

Case :- WRIT - A No. - 17693 of 2023

Petitioner :- Sunder Lal

Respondent :- Union Of India And Another

Counsel for Petitioner :- Sudheer Rana

Counsel for Respondent :- A.S.G.I., Surendra Nath Chauhan

Hon'ble Ajit Kumar,J.

Heard learned counsel for the parties.

It is submitted by learned counsel for the petitioner that till date a departmental appeal of the petitioner as was directed by this Court vide order dated 03.03.2020 passed in Writ - A No. 3340 of 2020 has not been disposed of.

Learned Standing Counsel submits that the petitioner should apply for contempt instead of filing second writ petition.

Having heard learned counsel for the parties and having perused the records, I find that following order passed by this Court:

"At the very outset, Sri Vikash Chandra Tripathi, learned counsel appearing for the respondents submitted that petitioner has an alternative remedy of filing an appeal under Rule 18 of Railway Employees Disciplinary (Appeal Rules) 1968.

In view of the same, the writ petition is dismissed on the ground of alternative remedy.

However, in case petitioner approaches the authority concerned by filing an appeal within 15 days from today, authority concerned shall not go into the question of limitation and decide the appeal strictly in accordance with law."

I find the petitioner to have preferred departmental appeal on 13.03.2020 but no document has been annexed evidencing the service of appeal. Further, a document is there filed as Annexure No. 2 which is departmental appeal dated 17.11.2014 sent by registered post. Non disposal of appeal is continuing cause of action and therefore, petitioner may apply for contempt, if so advised.

This Court, therefore, declines to interfere in the matter.

Subject to aforesaid liberty, this petition is **consigned to records**.

Order Date :- 18.10.2023/IrfanUddin