

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 31 of 2015

- Rajeev Kumar S/o Shri Ram Kishan, Aged About 43 years R/o G 21, CHPL Dream House, Smriti Nagar, Bhilai, P.S. Supela, Civil & Revenue District Durg (C.G.)

---- Petitioner

Versus

- Union Of India Through The Secretary, Railway Department, Vallabh Bhawan, New Delhi
- I.G./ Crime & Inelegance Railway Board, New Delhi
- Chief Security Commissioner R.P.F. S.E.C. Railway Raipur C.G.
- Divisional Security Commissioner R.P.F. S.E.C. Railway Raipur C.G.
- ASC -2/ RPF/BSP-Cum Enquiry Officer Office of Assistant S. Commandant, R.P.F. Raipur C.G.

---- Respondents

For Petitioner	Mr. Aditya Khare, Advocate
For Respondents/Rly	Mr. Abhishek Sinha, Advocate
For Respondent/UOI	Ms. Poornima Singh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/7/2015

Heard.

(2) The petitioner has assailed the legality and validity of the communication dated 04.12.2014, whereby, the Railway Board has recommended that all the three cases reported during the year 2012 & 2013 at Central Railway be registered at Bhiliai marshalling yard post of

Raipur division over SECR under yard theft and further IPF/BMY who failed miserably to prevent and detect theft of huge iron consignments be shifted out and posted to a non-sensitive place with immediate effect. He should also be taken up under major penalty charge sheet for gross dereliction, negligence of duty and slack supervision.

(3) Learned counsel for the Railways, on instructions, would submit that during pendency of the writ petition, the petitioner has been transferred from the place from where he was posted at the time of filing the petition and charge sheet has also been issued to him, therefore, the impugned communication has lived its life and the instant writ petition has been rendered infructuous.

(4) In view of the above, the writ petition is dismissed having become infructuous. However, the petitioner would be at liberty to assail the subsequent orders passed by the respondents by availing the alternative remedy as provided under the provisions of law, if he so desires.

Sd/-

Judge

(Prashant Kumar Mishra)