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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION (L) No. 19 OF 2015

Narasappa Gunjalappa and ors.Petitioners
Vs.
Union of India and Ors.Respondents

Mr.G.S. Walia for Petitioners
Mr.Suresh Kumar for Respondent No.1
Mr.Ashok Sarogi for Respondent No.7

CORAM : V. M. KANADE &
B.P COLABAWALLA, J.J.

DATE : JULY 21, 2015

P.C. :

1. The grievance of the Petitioners is that though the Respondent No.7 was found to be guilty of the allegations which were leveled against him and he was awarded penalty of compulsory retirement with further 10% cuts in the pensionary benefits and the charges against him were of a serious nature, in undue haste, the Disciplinary Authority passed the order on the last date of his retirement.

2. In our view without going into the allegations and the counter allegations made by both the sides, we are of the view that in the interest of justice, it would be appropriate if the Appellate Authority viz. Additional Divisional Railway Manager shall review the order passed by the Disciplinary Authority, calling for the record and proceedings and take a decision on merits and in accordance with law, preferably, within period of eight weeks. All the contentions of the parties are kept open. The Petitioners are also at liberty to make a

representation. If such a representation is made, after giving hearing to Respondent No.7, the Appellate Authority may decide the same on merits and in accordance with law. With these directions, the writ petition is disposed of.

3. The interim order stands vacated on the condition that the Respondent No.7 shall file an undertaking within two weeks that if the order passed by the Disciplinary Authority regarding imposition of compensation is reviewed, changed or enhanced, he shall return the said amount which has been paid to him.

[B.P COLABAWALLA, J.]

[V. M. KANADE, J.]