

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 645 OF 2016

M/s Shri. Raj Rajeshwari Constructions
Through its Proprietor

..PETITIONER

VERSUS

The Union of India and Others

..RESPONDENTS

....
Mr. Shailendra S. Kulkarni, Advocate for petitioner.

....
CORAM : RAVINDRA V. GHUGE, J.
DATED : 9th FEBRUARY, 2016

ORAL ORDER :

1. This Court by its order dated 10th June, 2015 passed in Writ Petition No. 99/2014 had permitted the petitioner herein to prefer the representation. The standing Counsel for Union of India had submitted that if the petitioner makes a representation, the same would be considered after hearing the petitioner as well as the contract labourers if any. The said statements were recorded and the petition was disposed off with the expectation that the concerned authority would deal with the representation of the petitioner.

2. The petitioner submits that his representation dated 16.07.2015 is still pending and yet the notices dated 15.10.2015 and 26.10.2015 in this petition have been issued. There is a possibility that the Central Railway Department-Respondent No.2 herein is likely to withhold an amount of Rs.10,75,000/- pursuant to the impugned notices.

3. I have considered the submissions of the learned Counsel for the petitioner.

4. The notice dated 15.10.2015 in fact gives an opportunity to the petitioner to submit its reply / show cause as to why legal action should not be taken. There was no impediment for the petitioner to submit a proper reply to the notice dated 15.10.2015 alongwith a copy of its representation dated 26.07.2015. No reply to the notice dated 15.10.2015 has been submitted.

5. In the light of the above, this petition is disposed off with the liberty to the petitioner to submit a detailed reply to the show cause notices dated 15.10.2015 and 26.10.2015 so as to convince

Respondent No.2 that there are no outstanding dues towards the petitioner. In the event such a reply is filed within a period of 7 days from today, the Respondent No.2 shall consider the same on its own merits and on the basis of its record. If any order is passed by the Respondent No.2 pursuant thereto, the petitioner is in liberty to assail the same if the said order is prejudicial to the interest of the petitioner.

(RAVINDRA V. GHUGE, J.)