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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4266 of 2017**

- B. N. Gardiya S/o Late B Gardiya Aged About 47 Years Working As ERS/SECR/BSP, R/o Hemu Nagar, Torwa Keshav Murra Bhatta, Near Mamta Villa, Bilaspur, Chhattisgarh. 495004.

---- Petitioner

Versus

1. The Secretary, Railway Board Ministry Of Railways, Rail Bhawan, Raisena Road, Rafi Marg, New Delhi- 110001.
2. Union Of India Through General Manager, South East Central Railway, New G M Building, Bilaspur, Chhattisgarh. 495004
3. Chief Personnel Officer, South East Central Railway, Bilaspur, Chhattisgarh.
4. Senior Divisional Commercial Manager, South East Central Railway, Bilaspur, Chhattisgarh. 495004
5. Mukesh Kumar Sinha Enquiry Officer- Chief Enquiry Inspector (Vigilance), South East Central Railway, Bilaspur, Chhattisgarh. 495004
6. Registrar Central Administrative Tribunal, Jabalpur Bench, 15, Civil Lines Caravas Building Jabalpur, Madhya Pradesh. 482001.

---- Respondents

For Petitioner	:	Mr. A.V. Sridhar, Advocate
For Railways	:	Mr. H.S. Ahluwalia, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order On Board****Per Thottathil B. Radhakrishnan, Chief Justice****30.08.2017**

1. This Writ Petition invoking Article 227 of the Constitution has been filed by the applicant before the Central Administrative Tribunal in whose favour there was an interim order granted by the Jabalpur Bench of the Tribunal on 24.07.2017 and continued on 25.07.2017, in OA 203/00350/2017. That

order was modified through the order dated 17.08.2017 which is impugned in this Writ Petition.

2. Though different submissions are made by the learned counsel for the petitioner and the learned counsel for the railways, having regard to the parameters of jurisdiction under Article 227 of the Constitution, we think that we need not necessarily proceed to consider visiting the impugned order because ends of justice will be satisfied if the learned Tribunal would accept any request of the applicant (writ petitioner) for expeditious listing of the matter pending at that end, which now stands listed on 22.09.2017, and passes order, final or interlocutory, on the lis. We clarify that we have not spoken anything on the merits of the matter including the question as to whether an earlier interim order granted by the Bench of two members could have been modified in the manner in which it had been done.
3. In the result, this Writ Petition is ordered without entering on the merits of Annexure P/1 and relegating to move appropriate application before the Tribunal for expeditious disposal of the matter pending at that end. To pave way for that, we direct that the respondents shall not conclude the disciplinary proceedings against the petitioner under the final disposal of the original Application or until the Tribunal passes any order in furtherance to what is stated above, whichever happens earlier.

Certified copy to both sides.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge