

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.261/2016

IN

WRIT PETITION NO.1214/2015 (D)

Nandkishor s/o Shamraoji Dhakite

...Versus...

(Shri G.C. Agrawal) Shri D.K. Sharma, General Manager, Central Railway,
Mumbai C.S.T., Mumbai – 400 001 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.K. Verma, Counsel for the petitioner
Shri N.P. Lambat, Counsel for the respondent nos.1 to 4

CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.

DATE : 28.07.2017

By this contempt petition, the petitioner seeks action against the respondents for wilful non-compliance of the statement made on behalf of the respondents that the petitioner could take recourse to the provisions of Rule 31 of the Railway Servants (Discipline and Appeal) Rules, 1968 and the President would consider the petition in accordance with law was recorded. The petitioner was granted liberty to approach this Court after the decision on the representation, if made by the petitioner under the provisions of Rule 31 of the Rules. According to the petitioner, though a representation – appeal was made by the petitioner under the provisions of Rule 31 of the Rules of 1968, the same is not decided till date.

The learned Counsel for the respondents has tendered an affidavit-in-reply in the Court today. It is stated in the affidavit-in-reply that the Hon'ble President has carefully considered the petition filed by the petitioner, dated 31.12.2015 and has taken a *prima facie* view. It is stated that the view expressed by the Hon'ble President is referred to the U.P.S.C. for its opinion and a final decision would be rendered by the Hon'ble President after the U.P.S.C. takes a decision in the matter. It is stated that the respondents are not at fault as some time was required by the Hon'ble President for deciding the matter and sending it to the U.P.S.C.

On a reading of the affidavit-in-reply filed on behalf of the respondents, it appears that the delay in deciding the representation - petition of the petitioner is not deliberate or intentional. The representation – petition is required to be decided by the Hon'ble President and after expressing some *prima facie* view on the petition, the Hon'ble President has referred the matter to the U.P.S.C. As soon as the U.P.S.C. sends its remarks to the Hon'ble President, it appears that a decision would be rendered by the Hon'ble President.

In the circumstances of the case, since the respondents are not at fault in not deciding the representation – petition, the contempt petition is disposed of with no order as to costs.

JUDGE

JUDGE