

**W.P.A. 1563 of 2021
with
CAN 1 of 2021
&
CAN 2 of 2021**

**Mrityunjoy Bose
-vs-
Union of India & Ors.**

Mr. Sanajit Kumar Ghosh
... for the railways

In re : CAN 2 of 2021

The delay in filing CAN 1 of 2021 is explained and the Court is satisfied with the same.

Hence, a delay of a period of 94 days in filing the application being CAN 1 of 2021 stands condoned.

The application being CAN 2 of 2021 is allowed.

In re : CAN 1 of 2021

The petitioner, in terms of the earlier order dated 10/09/2021 had been notified by e-mail, whatsapp and other electronic means. It is confirmed by the counsel for the railways that the counsel for the petitioner had communicated with him over telephone on 14/09/2021 at 08.02 P.M.

Despite whereof, there is no appearance on behalf of the petitioner. It is, therefore, deemed that the petitioner has nothing to say in opposition to CAN 1 of 2021.

Recall of the order dated 24/02/2021 is sought by the respondents/railways.

It is submitted that the writ petitioner had a remedy in the form of a departmental appeal against the order dated 06/12/2018. There is also a remedy of revision against the order of the Appellate Authority.

It is also stated that against the order dated 01/05/2019, passed by the Senior Divisional Mechanical Engineer, the petitioner has the remedy of revision under the applicable rules.

In that view of the matter, the order dated 24/02/2021 shall stand recalled.

The petitioner may avail the aforesaid departmental remedies under the relevant rules of the railways. In the event the petitioner is still dissatisfied with the aforesaid remedies, he may approach the Central Administrative Tribunal, in accordance with law.

The application for recall being CAN 1 of 2021 is, accordingly, allowed and disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis after completion of requisite formalities.

(Rajasekhar Mantha, J.)

