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03.06.2021.

WPA 10546 of 2021

(Via Video Conference)

Sunil Kumar Dalmia.
Vs
Union of India & Ors.

Mr. Micky Chowdhury,
... For the Petitioner.

Heard learned Advocate appearing for the petitioner.

None appears on behalf of the respondent railway authorities though it has been submitted by Mr. Chowdhury, learned Advocate appearing on behalf of the petitioner that he had served the notice and the writ petition by e-mail and he undertakes to file affidavit of service in course of tomorrow.

Case of the petitioner is that he is the purchaser of condemned locomotive in question by e-auction on 10th March, 2021 and one of the terms and condition for such sale was that it was on the lot basis and not by weight. It is further been alleged that some of the items of purchase in question has not been delivered to him and in this regard he has made representation before the respondent railway authority concerned and he has submitted that the said representations dated 12th May, 2021 and 17th May, 2021 have been rejected by the railway authority by order dated 20th May, 2021 being

annexure P-5 to the representation without giving any opportunity of hearing to the petitioner that is a gross violation of principle of natural justice.

On this ground of violation of principle of natural justice alone the impugned order dated 20th May, 2021 being annexure P-5 is set aside with a direction upon the Senior Divisional Material Manager. Asansol, Eastern Railway/ respondent no.3 is directed to consider afresh the representation of the petitioner dated 17th May, 2021 and disposed of the same in accordance with law by giving opportunity of hearing to the petitioner or his authorized representative and by passing a reasoned and speaking order within four weeks from the dated of communication of this order.

It is made clear that this Court has not gone into the merits of the matter and the respondent is free to decide the case on its own merits.

With the above direction WPA 10546 of 2021 is disposed of.

All parties are to act on the server copies of this order duly downloaded from the official website of this Court.

(Md. Nizamuddin, J.)

