

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

WRIT PETITION NO. 1150 OF 2021.

Nathu Dajiba Rahate. Petitioner.

-VERSUS-

1.Union of India and others. Respondents.

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Shri S.K. Verma, Advocate for the Petitioner.
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**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 2 MARCH 2021.

P.C.

Heard learned Counsel for the Petitioner.

2. The Petitioner has challenged the order dated 17 July 2019 issued by the Respondent – Central Railway. The Petitioner had challenged the said order of the Respondent Central Railway by filing Original Application No. 211/00139/2017 before the Central Administrative Tribunal. The Central Administrative Tribunal directed the Respondent Railways to pass a speaking order within a period of eight weeks, and Original Application was disposed of on 20 July 2017.

3. An order was passed by the Respondent Railways pursuant to the orders passed by the Tribunal, which the Petitioner challenged by filing Original Application No. 2005/2018. The Tribunal while disposing of this Original Application vide its order dated 18 February 2019, considered the order passed by the Railway Central Railway pursuant to the earlier directions of the Tribunal and noted that the Respondent had not referred to the Office Memorandum dated 6 April 2016, and directed the Respondent Railways to review earlier order and pass a speaking order. Thereafter an order is passed by the Respondent Railways on 22 July 2019.

4. Instead of challenging this order of 18 July 2019, the Petitioner filed Contempt Petition No.2021/2019 before the Tribunal, which contempt petition was disposed of by the Tribunal by observing that the Respondents had passed the order as directed, and if the Petitioner is not satisfied, the Petitioner has a remedy, but, there is no contempt. It is at this stage, the Petitioner has approached this Court by the present petition.

5. The contention of the Petitioner is that after the order passed by the Tribunal on 18 February 2019 to review the decision, the Respondent Railways has passed same order and therefore, writ should be entertained. This submission cannot be accepted.

6. The Tribunal, after noting that the relevant Office Memorandum, directed the Respondent Railways to review the matter. The order passed subsequently thereupon would be a cause of action to the Petitioner to approach the Tribunal. If upon directions of the Tribunal, same order is passed as alleged, then the Tribunal can take note of the same and pass necessary orders. If the grievance of the Petitioner is justified, the Tribunal has power to impose costs as well.

7. In this situation we do not deem it necessary to entertain Writ Petition. It is open to the Petitioner to challenge the order dated 17 July 2019/22 July 2019 before the Central Administrative Tribunal.

8. Writ Petition is accordingly disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

Rakesh
Dhuriya

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by Rakesh
Dhuriya
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