

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6653 OF 2019

Trambak Barku Johare

...Petitioner

V/s.

The General Manager,
Central Railway & Anr.

...Respondents

**WITH
INTERIM APPLICATION NO. 3306 OF 2021
IN
WRIT PETITION NO. 6653 OF 2019**

Trambak Barku Johare,
Deceased through his LRs
Kalabai Trimbak Johare & Ors.

...Applicants

V/s.

The General Manager,
Central Railway & Anr.

...Respondents

Ms. Jyoti Mishra with Ms. Nikita Suresh Kamble i/by
Mr. Vikram A. Desai for the petitioner/applicants.

Ms. Neeta V. Masurkar for the respondents.

**CORAM: DIPANKAR DATTA, CJ &
M. S. KARNIK, J.**

DATE: JULY 13, 2022

P.C.:

1. By instituting this writ petition dated 30th March 2019, the petitioner, who was the original applicant in Original

Application No. 93 of 2006 on the file of the Central Administrative Tribunal, Mumbai Bench, Mumbai (hereafter 'the Tribunal', for short), seeks direction on the respondents to comply with the order dated 27th September 2007 (Exhibit 'C') whereby the Tribunal granted relief as claimed vide prayer clauses 8A and 8B of the original application.

2. Ms. Masurkar, learned advocate appearing for the respondents has invited our attention to an order dated 3rd March 2009 passed by a coordinate Bench of this Court on Writ Petition No. 4298 of 2008, wherein the order dated 27th September 2007 was under challenge at the instance of the respondents in the original application. Upon setting aside of the impugned order dated 27th September 2007, a remand was ordered by the coordinate Bench by the said order dated 3rd March 2009. Ms. Masurkar has also brought to our notice an order dated 8th February 2011 passed by the Tribunal on Original Application No. 93 of 2006 after remand. For the reasons recorded in the order, the Tribunal proceeded to dismiss the original application of the petitioner.

3. Ms. Jyoti Mishra, learned advocate for the petitioner is taken by surprise. According to her, the petitioner did not appropriately instruct her.

4. In view of the above, there is no question of any direction being given to the respondents to comply with the order dated 27th September 2007 which does not exist in the eyes of law.

5. This is a thoroughly misconceived writ petition. The same stands dismissed. No costs.

6. In view of above, the interim application does not survive and stands disposed of. No costs.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)

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