

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

WRIT PETITION No. 3317 OF 2008 .

1. Union of India,
Through General Manager,
Central Railway, Chatrapati Shivaji
Terminus, Mumbai – 1 and others. ... **PETITIONERS.**

VERSUS

Motilal s/o Khushiram Sahu
Aged about 28 years, Occupation
R/o. Nainpur, Tahsil Nainpur,
Post Gora Chapar, Gram Maki,
District Mandla (M.P.). ... **RESPONDENT.**

Shri S.V. Purohit, Advocate for Petitioners.
None for the Respondent.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 24 FEBRUARY 2022.

P.C.

The Petitioner – Union of India through General Manager,
Central Railways has challenged the order passed by the Central
Administrative Tribunal dated 22 February 2008, partly allowing the

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Original Application No.2045/2004 filed by the Respondent.

2. It was the case of the Respondent that he was appointed on the post of Bungalow Peon. He was transferred, which action the Respondent challenged. The Respondent also made a grievance that he was not allowed to perform his duties.

3. Petitioners before the Tribunal pointed out that the Respondent was terminated from service on 6 October 1999 after giving notice as per the procedure, however, the Respondent has not disclosed the factum of termination. The Tribunal considered the contentions of the Respondent that he is only interested in job and proceeded to direct the Petitioners to take him in service.

4. In this Petition, Rule was issued on 10 August 2009 and interim relief was granted staying the order of the Tribunal. The Respondent was served. An Advocate appeared for him before admission, thereafter his name was deleted. Thereafter since the year 2009, the Respondent has chosen not to appear. It appears that the Respondent is not interested in seeking the benefit of the impugned order. If the Respondent is not interested, it is not necessary to keep the order on file. Even otherwise, the order passed by the Tribunal seems to be out of pure indulgence without any reference to the procedure that is required to be followed, the action of termination, the delay in challenging the order and that the Respondent was

seeking a public post. In these circumstances, we are of the opinion that the impugned order will have to be set aside. Accordingly Rule is made absolute in terms of prayer clause [i]. No order as to costs.

(ANIL L. PANSARE, J)

(NITIN JAMDAR, J)

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