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17.5.2023
S.D.

W.P.A. 7112 of 2023

**Tathagata Datta
Vs.
Union of India & Ors.**

Mr. Tathagata Datta
... Petitioner (in person)

Mr. Raja Satyajit Banerjee
..For the Union of India

Affidavit of service filed in Court today evidencing proof of service on the private respondent no. 9 is retained with the records.

The petitioner, appearing in person submits that the private respondent no. 9 has made several derogatory remarks against the petitioner vide letter dated December 9, 2022 issued by him to the Principal Chief Operations Manager, Eastern Railway, Kolkata. The petitioner has prayed for investigation to be conducted against the private respondent no. 9 by the authorities concerned, but no investigation as to the private respondent no. 9's propriety of holding the post as Senior Divisional Operations Manager, Sealdah Division, Eastern Railway has been conducted by the

General Manager, Eastern Railway. Therefore, the petitioner's representation dated February 11, 2023 was not considered by the respondents concerned.

The petitioner also submits that the private respondent no. 9 did not make derogatory statements against him in the Public Interest Litigation being W.P.A. (P) 358 of 2022 as recorded by the order dated April 17, 2023. Such remarks have been made in his report/communication. Let the order dated April 17, 2023 be accordingly modified by clarifying that the derogatory remarks have been made by communication dated December 9, 2022 by the private respondent no. 9.

Upon perusal of the documents and the submissions of the parties, this Court finds that the grievances sought to be redressed in this writ petition is in the nature of private dispute between the petitioner and the private respondent no. 9. As such, no legal right of the petitioner has been violated by the State respondents within the meaning of Article 12 of the Constitution of India.

In such view of the matter, **W.P.A. 7112 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in

the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)