



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

WRIT PETITION NO. 7073/2023

Gajraj Laxman Nagle

Petitioner

Versus

Divisional Railway Manager (Central Railway),
DRM Office, Bhusawal & Others.

Respondents

Shri M.B. Agasti, counsel for the petitioner.

Shri N.S. Deshpande, Deputy Solicitor General of India for the respondents.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
A.S. CHANDURKAR, J.**

DATE : OCTOBER 19, 2023.

P. C. :

Heard the learned counsel for the petitioner and the learned Deputy Solicitor General of India for the respondents.

2. By instituting this writ petition under Article 226 of the Constitution of India a prayer has been made to quash the order dated 27.11.2015 passed by the Central Administrative Tribunal (for short, 'the Tribunal') in Original Application No.211/00249/2015 which was instituted by the petitioner claiming that he is entitled to pension. By the said order, the Tribunal had provided that the petitioner shall make a representation to the Competent Authority of Railways who shall consider the same and pass a reasoned order.

3. The challenge has also been raised to the order dated 17.03.2016 whereby the Divisional Railway Manager, Central Railway, Bhusawal has rejected the claim of the petitioner regarding pension. The said speaking order has been passed in

compliance of the order passed by the Tribunal dated 27.11.2015.

4. Once the compliance of the order dated 27.11.2015 has already been made by the Divisional Railway Manager, Central Railway, Bhusawal by passing the speaking order dated 17.03.2016, the petitioner cannot be permitted to challenge the said order passed by the Tribunal on 27.11.2015. So far as the challenge to the speaking order dated 17.03.2016 is concerned, the petitioner has to invoke the jurisdiction of the Tribunal first in view of the law laid down by the Hon'ble Supreme Court in ***L.Chandrakumar Versus Union of India***¹.

5. For the aforesaid reasons, we are of the opinion that the writ petition is not maintainable. The same is accordingly dismissed.

6. Notwithstanding the dismissal of this writ petition, it will be open for the petitioner to invoke the remedy available under the Administrative Tribunals Act, 1985 or any other remedy which may be available in law.

(A. S. CHANDURKAR, J.)

(CHIEF JUSTICE)

APTE

¹ (1997) 3 SCC 261