

16th May,
2024
(AK)
06

W.P.A 13603 of 2024

Sandip Kumar Rai and others
Vs.
The General Secretary, National Federation of Indian
Railway (Mens) and others

Mr. Sankha Subhra Ray
...for the petitioners.

Mr. Bhudeb Chatterjee
Mr. Proloy Bhattacharyya
Ms. Tanushree Ghosh
...for the respondent no.6.

Mr. Ranjit Kr. Jaiswal
Mr. Nandalal Pradhan
...for the respondent nos.12 to 26.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioners submits that the petitioners are members of the Eastern Railway Men's Congress Association, a union of employees of the Railways.
3. It is contended that the Railway Authorities, in violation of the Indian Railway Establishment Manual, gave recognition to the rival faction of the petitioners.
4. Challenging such recognition, the petitioners have made a representation before the Railway Authorities which has allegedly not been considered.

5. Although merits of the matter are sought to be addressed by learned counsel for the petitioners, learned counsel for the Railway Authorities submits that since the representation is pending consideration of the Railway Authorities, the purpose of justice would be subserved if the matter is relegated for consideration of such representation by the said authorities.
6. Upon hearing learned counsel for the petitioners and the respondents, this court is of the opinion that the Railway Authorities are justified in making their submission that it will be premature for this court to enter into the merits of the allegations made by the petitioners.
7. Hence, WPA 13603 of 2024 is disposed of by directing the respondent no. 2, the Principal Chief Personnel Officer, Eastern Railway to consider the representation of the petitioners raising a challenge to the recognition given to the rival faction of the petitioners, as annexed at page-22 of the writ petition, at the earliest, upon giving an opportunity of hearing to the petitioners as well as the private respondents and any other interested parties, preferably within eight weeks from date.
8. Upon such consideration, the respondent no.2 shall pass a reasoned decision thereon and communicate

the same in writing to the interested parties to the dispute at the earliest thereafter.

9. It is made clear that while so considering, the respondent no.2 shall take into consideration the Indian Railway Establishment Manual and any other laws and bye-laws which may be applicable in the present context.
10. The merits of the matter have not been gone into by this court.
11. There will be no order as to costs.
12. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)