

January 24, 2024
(684) ARDR

WPA 27787 of 2023

Shravan Kumar
Vs.
The Union of India & Ors.

Adv. Saptarshi Roy,
Adv. Kakali Das Chakraborty,
...for the petitioner.
Adv. Sahasrangshu Bhattacharjee,
Adv. Rivu Dutta,
Adv. Rhitam Chatterjee,
...for the UOI.

The primary grievance of the petitioner is that the appellate authority has rejected the appeal preferred by him without granting an opportunity of hearing to the petitioner and also without recording a reasoned order therefor.

The said fact has been recorded by this Court in its order passed on 19th December, 2023.

The order impugned dated 8th December, 2023 has been stayed till disposal of the writ petition.

Learned counsel for the petitioner produces an order passed by the Assistant Commercial Manager/HG, for Senior Divisional Commercial Manager, Eastern Railways/Howrah on 23rd January, 2024 requesting the petitioner to start lease operation/loading in the 3.9 ton FSLR-I space on 12381 up with immediate effect till disposal of the writ petition. The said order appears to have been passed in compliance with the order of stay imposed by this Court on 19th December, 2023.

Since it appears that the appeal has been disposed of without granting an opportunity of hearing to the petitioner and also without recording any reasons for rejection of the same, the order passed in the appeal which was communicated to the petitioner by a letter issued on 8th December, 2023 is set aside.

The appellate authority, being the 4th respondent herein, is directed to revisit the issue and pass a reasoned and speaking order upon affording reasonable opportunity of hearing to all concerned including the petitioner/his authorised representative, in accordance with law within one month from the date of communication of this order.

The petitioner shall continue with the lease operation/loading as indicated in the letter dated 23rd January, 2024 till one week after disposal of the appeal.

With the aforesaid observations and directions, the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)