

Court No. - 2

Case :- SPECIAL APPEAL DEFECTIVE No. - 789 of 2012

Appellant :- Santosh Kumar Pandey 4313s/S2007

Respondent :- Union Of India Throu The Secy. Ministry Of Railways
And Ors.

Counsel for Appellant :- Manish Kumar,Atul Kumar Dwivedi,Dinesh
Kumar Shukla

Counsel for Respondent :- T.J.S.Makker,Chandra Shekhar Sinha,Sharad
Kumar Srivastava,Shiv Poojan Maurya

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

(C. M. Application No. 99243 of 2012)

This is an application for condonation of delay in filing special appeal supported with affidavit.

Heard.

Cause shown in the affidavit filed in support of the application for condonation of delay in filing special appeal is sufficient.

The application is allowed and the delay is condoned.

(Om Prakash Shukla,J.) (Rajan Roy,J.)

Order Date :- 2.7.2024

R.K.P.

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Heard.

Perused the judgment of the Writ Court dated 25.09.2012
passed in Writ Petition No. 4313 (S/S) of 2007.

On a perusal of the aforesaid judgment we find that two findings have been recorded by the Writ Court. One is with regard to the claim of the petitioner for defence friend which has been held to be untenable for the reasons mentioned in the impugned judgment. The other point considered is the order passed by the Disciplinary Authority. A cryptic observation has been made in this regard by the Writ Court that the charges have been well discussed. Nothing else has been said. However, we find that in the writ petition various grounds were raised including about the competence of the Officer to pass the punishment order, though, the Writ Court has noticed the contention of the learned Standing Counsel in this regard, but, it has not recorded any finding on the said issue as also other issues which were raised before the Writ Court. We are of the opinion that the Writ Court has not applied its mind to various grounds raised in the writ petition and also mentioned in the impugned judgement. We accordingly set-aside the judgment dated 25.09.2012.

Consequently, the writ petition stands restored which shall be listed before the Writ Court in the first week of August, 2024 and shall be considered and decided afresh.

The Special Appeal is **allowed** in the aforesaid terms.

(Om Prakash Shukla, J.) (Rajan Roy, J.)

Order Date :- 2.7.2024/R.K.P.