

07 16.01.2025

Ct-37

FMAT 2 of 2025

with

IA No. CAN 1 of 2025

South Eastern Railway Men's Congress & Anr.

Vs.

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The General Manager, South Eastern Railway & Ors.

Mr. Suddhasatva Banerjee

Mr. Dyutimoy Paul

Mr. Aurin Chakraborty

Mr. Iresh Paul

... For the Appellants

Mr. Siddhartha Lahiri

Ms. Rini Bhattacharya

... For the Respondents

1. In view of the fact that the matter is fixed before the learned Trial Court on 24th January, 2025 and the observations made in the impugned order are only prima facie, we feel that the prayer for interim order can be renewed on 24th January, 2025 in presence of the respondents only after hearing the parties. The learned Trial Court shall decide the matter as to whether any ad interim protection can be granted to the appellants in view of the submission made that the result of the election has been declared in which the margin of vote is only 600 and for fair adjudication it is necessary to preserve the CCTV footages and the ballot papers.

2. A copy of Section 9 application shall be served upon Ms. Rini Bhattacharya, learned advocate on record for the respondents in course of the day.

3. The respondents shall file an affidavit-in-opposition to the said application on or before 24th January, 2025 upon prior service to the learned advocate for the appellants before the Trial Court.

4. It is expected that the CCTV footages and the ballot papers shall be preserved.

5. In view of the above, the appeal being FMAT 2 of 2025 stands disposed of along with CAN 1 of 2025.

6. Urgent Photostat copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)

