**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

953 FIRST APPEAL NO. 262 OF 2019

KIRAN DNYANESHWAR KOLI
VERSUS
UNION OF INDIA

....

Mr. Madhav M. Bhokarikar, Advocate for the Appellant
Mr. M. N. Navandar, Advocate for sole-Respondent

....

CORAM : NEERAJ P. DHOTE, J.

DATE : 28.03.2025

PER COURT :-

1. This is the Appeal which is filed against the order dated 31.08.2018 passed by the Railway Claims Tribunal, Nagpur Bench by which following directions were issued.

> *The applicant is directed to open his Bank account at his domicile residence Amalner and submit his bank account details before the Additional Registrar, Railway Claims Tribunal, Nagpur and Branch Manager, Allahabad Bank, Jalgaon within 30 days after opening the bank account.*
>
> *The Branch Manager, Allahabad Bank, Jalgaon is directed to transfer the amount standing credit in saving account and FDR account of the applicant in the bank account opened by the applicant at Amalner.*
>
> *The Branch Manager of the Bank at Amalner, where the applicant has opened his Bank Account shall follow the directions earlier issued in the original Judgment and shall*

not released the payment to the applicant without permission from the Tribunal. No Loan and encumbrances' shall be credited on the FD's. No Cheque Book or ATM Card or Loose Leaf (Cheque) shall be issued to the applicant.

The applicant is also directed to file the compliance of the said Judgment before the Additional Registrar, Railway Claims Tribunal, Nagpur within two months from the date of receipt of the order.

In our considered view, the direction of the judgment has been flouted/violated by the parties. The concerned Zonal Manager, Allahabad Bank Is directed to take Disciplinary Action against the then Branch Manager as per Banking Rules as he has opened the Bank Account without following the Direction of Judgment, even the quarterly interest has not been paid to the applicant as per the directions in the judgment of the Tribunal. Registry is also directed to send the copy of this Judgment along with original judgment to the Zonal Manager, Allahabad Bank, Branch at Mumbai and Pune.

Since, the Applicant being physically disabled the action is not being recommended. However, the Applicant shall not get released the F.D.R. before August. 2024 The earlier directions of the judgment remains unchanged.

The respondent has also violated the direction of the Judgment and released the payment to the Applicant in the Bank account of Allahabad Bank, Jalgaon whereas it was specifically directed that the payment has to be released in the Bank near to the domicile address ie. Amalner. It appears that there was no *applicability of mild by the legal person working in the C.C.O office. The Tribunal commences the displeasure to the department.*

The application is accordingly disposed of.

File be consigned to the record-room.

2. The learned Advocate for the Appellant submits that the said order was passed on the Application filed by the Appellant before the learned Tribunal for withdrawal of his amount which was kept in fixed deposit. He submits that since the period mentioned in the operative order of the impugned order has come to an end, the Appeal can be disposed off as infructuous.

3. The learned Advocate Mr. Navandar appears for the sole Respondent. He does not dispute the aforesaid aspect and submits that the Appeal can be disposed off.

4. Since the period of release of FDR, as mentioned in the impugned order, has lapsed and nothing survives in the Appeal, the Appeal stands disposed off as it has become infructuous.

[NEERAJ P. DHOTE, J.]

HRJadhav