

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 34798 OF 2016

Between:

Union of India, Rep. by its General Manager, South Central Railway, Secunderabad,
M. Sarni Naik, s/o. late Sri M.D. Naik, aged 58 years, occupation Deputy CCM/CPO,

...PETITIONER

AND

1. Railway Claims Tribunal, Secundeabad Bench, Rep. by its Registrar,
Secunderabad
2. Mandalapu Sree latha, D/o Veera Narayana aged about 30 years, resident of
Kandukuru Post, Kandukuru village, Prakasham District.
3. Mandalapu Sreemannarayana,, S/o Veera Narayana, aged 28 years resident
of Kandukuru Post, Kandukuru village, Prakasham District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the orders passed by the 1st respondent Tribunal on 19.9.2016 and 22.9.2016 in O.A.-II (U) 482 of 2005 directing the Divisional Railway Manager/Bezawada, to appear in person before it and subsequently rejecting the application to dispense with personal appearance of the office and further directing him to appear him on 18.10.2016 as arbitrary, illegal, and set aside the same and direct the 1st respondent not to require the presence of DRM/BZA on 18.10.2016 or any other date, in the interest of justice.

I.A. NO: 1 OF 2016(WPMP. NO: 42894 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders passed by the 1st respondent Tribunal on 19.9.2016 and 22.9.2016 in O.A.-II (U) 482 of 2005 directing the Divisional Railway Manager/Bezawada. to appear in person before it and subsequently rejecting the application to dispense with personal appearance of the office and further directing him to appear him on 18.10.2016 pending disposal of the above writ petition, in the interest of justice.

Counsel for the Petitioner : SRI L.PRANATHI REDDY, (Sr SC FOR CENTRAL GOVT)

Counsel for the Respondents:

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V. SHRAVAN KUMAR

W.P. No.34798 of 2016

ORDER:

Questioning the orders passed by the respondent No.1, Railway Claims Tribunal, on 19.09.2016 and 22.09.2016 in O.A.-II (U) 482 of 2005 directing the Divisional Railway Manager/Bezawada, to appear in person before it and subsequently rejecting the application to dispense with personal appearance of the office and further directing him to appear him on 18.10.2016, petitioner filed the present writ petition.

2. It is submitted by the learned counsel for the petitioner that the respondent No.1 passed order dated 19.09.2016 in OAA No.482 of 2005 wherein directed the DRM/BZA to appear in person informing that why appropriate proceedings be not drawn against those who are responsible for making *ex facie* false statement and directed to list the matter on 22.09.2016. Thereafter, on 22.09.2016 it has been observed by the respondent No.1 that an affidavit has been filed by one Shri Sami Naik, Dy.CCM (CL & PO) of South Central Railway, seeking dispensation of appearance of Divisional Railway Manager, Vijayawada as directed by order dated 19.09.2006. Besides the above, a D.O. letter has been written by Shri Ashok Kumar, Divisional Railway Manager/Vijayawada to the Vice Chairman, RCT/Chennai highlighting so called inconvenience caused in case his presence is sought before the Tribunal. The said request of seeking for exemption

from personal appearance of the Divisional Railway Manager was rejected and directed the matter to be listed on 18.10.2016.

3. At this juncture, the learned Standing Counsel appearing for the respondent No.1 drawn the attention of this Court to the counter affidavit filed on behalf of the respondent No.1 wherein it is stated that the Divisional Railway Manager, Vijayawada appeared in person on 18.10.2016 and tendered unconditional apology for writing D.O. letter to the Vice Chairman, RCT, Chennai at Secunderabad, after that, further personal appearance was dispensed with. It is further submitted that the O.A.II(U) 482/2005 has also been dismissed for default on 18.11.2016 as applicants and counsel for applicants failed to appear before the Tribunal and therefore, the cause in the writ petition does not survive for further adjudication.

4. In that view of the matter, recording the submissions made by the learned counsel for the parties, this writ petition is dismissed as infructuous. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

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SD/-MOHD. ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to L.PRANATHI REDDY, (Sr SC FOR CENTRAL GOVT). [OPUC]
2. Two CD Copies.

BSK

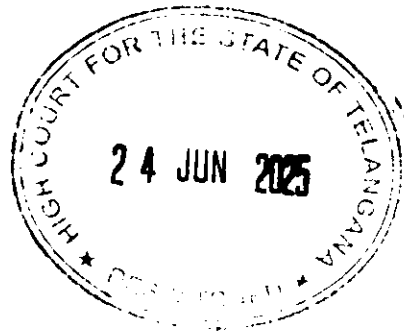
GJP

HIGH COURT

DATED:10/04/2025

ORDER

WP.No.34798 of 2016



**DISMISSING THE WRIT PETITION
AS INFRUCTUOUS
WITHOUT COSTS**

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18/6/2025