

01.07.2026

Ct No.2
D/L 4
Mujahid

WPA 5155 of 2026

Akbar Ali
Vs.
Union of India & Ors.

Mr. Saptarshi Roy
Mr. Sidhartha Roy

...for the petitioner

Mr. Aniruddha Bagchi
Mr. Subrata Santra

...for the UOI

1. Present petition has been filed challenging the impugned order dated 21st February, 2026 whereby the Union of India (Railway Authorities) imposed penalty calculated at Rs.43585/- upon the petitioner. Admittedly, the petitioner deposited the same vide money receipt dated 22nd February, 2026.

2. However, learned counsel for the petitioner submits that the same was deposited under protest as the penalty was imposed in violation of the rules and policy of the railways. Learned counsel submits that vide notice dated 26th February, 2026 served upon the Principal Chief Commercial Manager and the Senior Divisional Commercial Manager, the grievances were made regarding illegal imposition of penalty in contravention of the rule and deposit of the money under protest.

3. The petitioner after filing the representation immediately filed a present writ petition before the Court. It is pertinent to mention here that the affidavit annexed with the petition reveals that the same was attested on 27th February, 2026. Thus, the petitioner did not wait for the decision of the representation and immediately decided to file the present writ petition. Learned counsel for the petitioner submits that in the petition, the petitioner made the prayer for the return of the amount deposited under the protest as well as the seeking an order not to pass any coercive order in pursuance to the punitive demand dated 21st February, 2026.

4. The petition was presented before this Court on 10th March, 2026. The co-ordinate Bench of this Court, taking into account, the factual matrix directed the Railway Authorities to decide and pass a reasoned order in accordance with law, upon affording an opportunity of hearing to the petitioner and other stakeholders.

5. It is pertinent to mention here that there seems to be a typographical error in para 8 of the order whereby it seems that the date of order in WPA 15348 of 2025 has been written as 19th March, 2026 in place of 15th January, 2026. Hence, in 8th line of para 8 of the order dated 10th March, 2026 the date

be read as 15th January, 2026 in place of 19th March, 2026. Remaining contents shall remain the same.

6. Learned counsel for the Union of India submits that representation of the petitioner has been disposed of, vide a reasoned order by the Senior Divisional Commercial Manager, Eastern Railway, Howrah after giving the petitioner an opportunity of being heard. The copy of the order has been filed on the record. Learned counsel for the Railway Authorities submits that the copy has duly been sent to the petitioner.

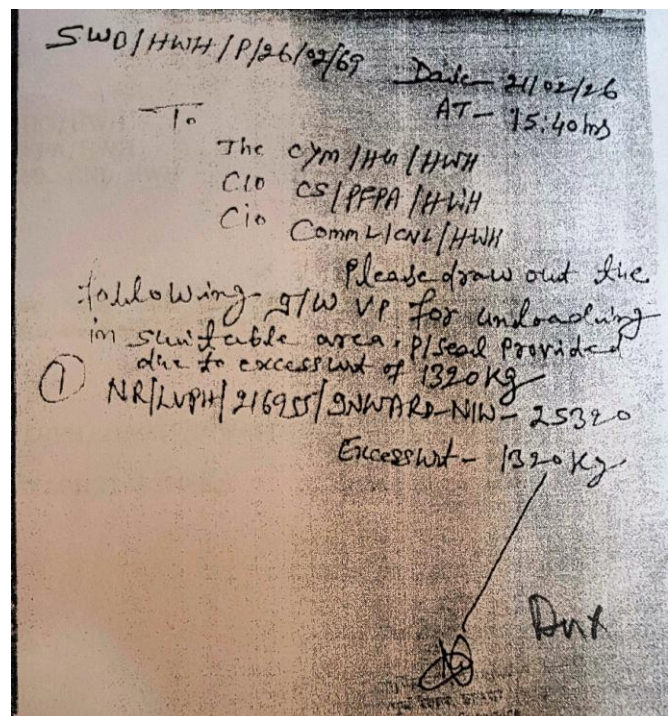
7. However, learned counsel for the petitioner submits that the same has not been served upon the petitioner. The copy has been supplied today to the learned counsel for the petitioner in the Court.

8. Learned counsel for the petitioner submits that the Railway Authorities were directed to file a compliance report. However, no such compliance report has been filed. Learned counsel seeks permission to file an exception to the decision of the authorities dated 28th April, 2026.

9. The Court has considered the submissions. It is a settled proposition that in petition under Article 226 of the Constitution of India, the writ court is primarily concerned with the process of taking the decision and not the correctness of the decision. The writ court is primarily concerned to examine the

procedure that whether the principles of natural justice have duly been complied with or not. The writ court can invoke its jurisdiction for the enforcement of any legal right and to ensure that the same are enforced in accordance with law. The writ court can always correct the decision founded on erroneous reasoning and to quash, unreasonable, arbitrary, perverse and capricious decision.

10. In the present case, the Railway Authorities have allegedly passed a wrong order imposing penalty upon the petitioner. The alleged order is reproduced as below:-



11. Perusal of this order does not indicate any coercive steps to be taken on behalf of the Railway Authorities. Subsequent to such an order admittedly the penalty amount was deposited. It is also pertinent to mention here that while depositing the penalty

amount, that there was no mention that the same has been deposited under protest. However, admittedly, this plea was taken in the representation and subsequently in the writ petition.

12. The representation dated 26th February, 2026 has duly been considered and disposed of by the Railway Authorities. The Court, at this stage, cannot go into the correctness and incorrectness of such an order. However, as far as the present writ petition is concerned the same stands infructuous as the representation dated 26th February, 2026 has duly been disposed of. It is also relevant to note that the penalty has already been deposited. The petitioner shall have all the rights to challenge such a decision of the Railway Authorities if the same is in contravention of any rules or policy of the Railway Authorities. There is nothing on the record to suggest that the Railway Authorities is contemplated to take any coercive steps including the termination of the contract pursuant to the notice dated 21st February, 2026. However, Railway Authorities will not take any coercive action against the petitioner without serving any advance notice in accordance with rules and procedure. The petitioner shall always have liberty to challenge any such decision.

13. Accordingly, WPA 5155 of 2026 stands disposed of.

14. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)