

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No. 25749/2022

(Arising out of impugned final judgment and order dated 19-03-2021 in WPCRC No. 267/2019 29-07-2022 in WPCRC No. 35/2022 passed by the High Court At Calcutta)

THE DIVISIONAL RAILWAY MANAGER

Petitioner(s)

VERSUS

ALOK RANJAN ROY & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.119286/2022-CONDONATION OF DELAY IN FILING and IA No.119288/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 23-09-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Ms. Madhvi Divan, ASG
 Mr. R. Balasubramanian, Sr. Adv.
 Mr. Rajan Kr. Chourasia, Adv.
 Ms. Vaishali Verma, Adv.
 Mr. Sahil Monga, Adv.
 Mr. Amrish Kumar, AOR

For Respondent(s) Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
 Mr. Arvind Gupta, AOR
 Mr. Amit S., Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The learned Additional Solicitor General has, today, placed before us a communication sent by the Senior Divisional Personnel Officer, Eastern Railway, Sealdah dated 22.09.2022, stating that the competent authorities of railways have initiated the process to employ 79 (seventy nine) applicants. It has further been stated

that the general medical fitness test would be completed by 14.10.2022 and final appointment order would be issued by 21.10.2022.

In continuity with the order dated 26.08.2022, we could only observe that even if late, when the authorities concerned have taken concrete steps for compliance, it may not be a case of willful and deliberate disobedience on their part.

Having said so and having taken note of the submissions made on behalf of the petitioners, we would modify the impugned order dated 29.07.2022 in the manner that the observations therein shall not operate against the petitioners provided the process is completed as contemplated by the communication dated 22.09.2022, punctually and without fail. We would leave other aspects of the matter open for consideration by the High Court in the pending contempt petition.

A copy of the said communication dated 22.09.2022 may be placed on record.

It goes without saying that the decision as taken by the competent authorities in this matter had been in reference to the peculiar circumstances of the case and orders earlier passed in the matter.

Subject to the observations foregoing, this petition seeking special leave to appeal stands disposed of.

All pending applications stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)
COURT MASTER (NSH)