

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Civil Writs No. 900/2018

Sharif Khan

-----Petitioner

Versus

Union Of India And Ors

-----Respondent

---

|                   |   |                                                |
|-------------------|---|------------------------------------------------|
| For Petitioner(s) | : | Mr. K. A. Khan                                 |
| For Respondent(s) | : | Mr. Shailesh Prakash Sharma<br>Mr. Ajay Shukla |

---

**HON'BLE MR. JUSTICE ASHOK KUMAR GAUR**

**Order**

**27/09/2018**

The matter comes up on miscellaneous application filed by the respondent No.5 (Father of the petitioner) under Article 226 (3) of the Constitution of India for vacation of the stay order dated 15.01.2018.

The petitioner in the instant petition has challenged the order dated 12.12.2017, passed by the Divisional Railway Manager(Commercial), Kota, whereby his Porter License bearing Badge No.2676 issued by the Western Central Railway, Kota has been suspended.

The facts narrated in the writ petition and from the reply filed reflect that initially respondent No.5 Rashid was having a Porter Badge to work as a Porter, at Kota Station but in 2012, in order to support his son petitioner-Sharif Khan, he requested the Railway Authorities to transfer the Porter License Badge No.2767, to his son (petitioner) and the Railway Administrative had done the same.

The allegation levelled against the petitioner is that he is not fulfilling his obligation and fails to maintain his father but also manhandled him by doing physical atrocities.

Counsel for the petitioner submitted that it was a family dispute and it has nothing to do with the maintaining of respondent No.5(father of the petitioner), but on the contrary, counsel for the respondent No.5 submitted that faced with the above situation, the respondent No.5 himself had requested the Railway Administration to withdraw the Porter License Batch No.2676 from the petitioner and handover the same to him as the petitioner has miserably failed to maintain his father after the transfer of the Porter License Batch No.2676.

This Court would not like to enter into the aforesaid controversy as the same is not existing before this Court, however, before dealing with the matter, this Court deems it proper to direct the petitioner to prepare a cheque of Rs.1,00,000/- in favour of his father and to bring to the Court on the next date of hearing for handing over to the respondent No.5.

List on 31<sup>st</sup> October, 2018.

**(ASHOK KUMAR GAUR),J**