

**22/07
2026**

**AD/08/18
266312
NANDY**

(OP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/14363/2026

**ARUP MANDAL
VS
UNION OF INDIA & ORS.**

Ms. Tannistha Bandyopadhyay, Advocate

.....for the Petitioner

Mr. Swapan Kumar Nandi, Advocate

Ms. Banani Bhattacharya, Advocate

.....for the Respondents

1. The point taken by Mr. Nandi, learned Advocate appearing for the respondents that the writ-petition should not be entertained in view of statutory provisions of appeal contained in the Rules of the Railway Protection Act (in short the said Act), seem to be unfounded.
2. Rule 211 of the said Act, limits the right of appeal by an aggrieved person, only in the case of orders of suspension. Rule 212 is also of limited applicability, only to cases where the punishment is being challenged.
3. Presently, the suspension of the petitioner has been revoked on 13.05.2026 and the petitioner has been reinstated in service, on account whereof Rule 211 has no application.
4. The disciplinary proceedings are still pending and are in progress as against the petitioner, on account whereof Rule 212 is also not applicable, as the question of preferring an appeal against any punishment does not arise at this juncture. The petitioner has challenged the entire proceedings, principally, on two grounds;
 - a) *Jurisdictional deficiency of the Officer conducting the proceedings, and*
 - b) *Violation of the principles of natural justice.*

5. These points will be available to the petitioner at the stage after the proceedings have been concluded by the concerned authorities.
6. The petitioner will participate in the proceedings, which will proceed in due course without prejudice to his rights and contention.
7. However, the authorities will not pass any order of punishment or mete out any coercive action against the petitioner till the disposal of the writ-petition.
8. Let affidavit-in-opposition be filed by August 24, 2026; reply thereto by August 31, 2026.
9. List this matter on **September 3, 2026**, under the heading 'Hearing'.

(Reetobroto Kumar Mitra, J.)