

ITEM NO.13

COURT NO.1

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C).....CC No(s).
9487/2017

(Arising out of impugned final judgment and order dated 24/11/2016
in WPMD No.21214/2016 passed by the High Court of Madras at
Madurai)

AJEET KUMAR SAXENA

Petitioner(s)

VERSUS

M. RAMESH AND ANR

Respondent(s)

(With appln.(s) for permission to file SLP and office report)

Date : 09/05/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.Shekhar Naphade, Sr.Adv.
Mr.Pradeep Kant, Sr.Adv.
Mr.Divyansha Sahay, Adv.
Mr. E. C. Agrawala, Adv.

For Respondent(s)

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

1. The application for permission to file the special leave petition is allowed.
2. Delay condoned.
3. Learned senior counsel for the petitioner states, that the petitioner was not heard by the High Court, and if such an opportunity had been granted to the petitioner, he could have established the bonafides of his non-profit organisation, and further, would have been in a position to establish, that he did

not exercise his authorities as an employee of the Railways. It is submitted, that there is sufficient material with the petitioner to demonstrate, that he did not, in any manner, infringe the Railway Service (Conduct) Rules, 1966.

4. On account of the fact, that the petitioner was not allegedly heard by the High Court, and had no opportunity to demonstrate the bonafides of his actions, we consider it just and appropriate to permit the petitioner to file a review petition before the High Court, and to place such material as has been placed on the record of this case, and such further material as he considers necessary, to authenticate the factual/legal position, as has been expressed in the foregoing paragraph. The petitioner is granted liberty to file such a review petition within two weeks from today. In case such a review petition is filed, further action, as has been contemplated in the impugned order, shall remain stayed till the disposal of the review petition.

5. Needless to mention, that if the petitioner is aggrieved of the order passed by the High Court, it shall be open to the petitioner to assail the said order before this Court.

6. The special leave petition is disposed of, in the above terms.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASSISTANT REGISTRAR