

SLP(C).....CC No.9487/17 1

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

RECORD OF PROCEEDINGS

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&#39;BLE THE CHIEF JUSTICE

HON&#39;BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON&#39;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

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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