

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 10608 of 2026**

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RUPESH KUMAR GUPTA S/O SHANKAR SHAW GUPTA
Versus
UNION OF INDIA & ORS.

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Appearance:

SUNITA S CHATURVEDI(2572) for the Petitioner(s) No. 1
MR. HARSHEEL SHUKLA, ADVOCATE for the Respondent(s) No. 1,
2,3

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CORAM:HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA
and
HONOURABLE MR.JUSTICE J. L. ODEDRA

Date : 11/08/2026

JUDGMENT

(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

1. Pursuant to the impugned order of the CAT, it is not in dispute that the Railways have in fact taken a decision on the matter of relieving the Appellant herein.
2. Learned Counsel for the Railways submits that the decision taken by the Railways is to treat the case of the Appellant on a priority basis. He also submits that there are several other employees above in the list of priority, and therefore, action will be taken as and when the Appellant's turn comes about.
3. Learned Counsel for the Appellant, however, submits that this statement is incorrect and as a matter of fact, people



lower in the priority list have already been relieved.

4. In our view, the appropriate remedy for the Appellant is to approach the CAT with a fresh application, raising all such grounds as are available to him in the matter of placing the Appellant in the priority list, including the question as to whether the Railways are bound to follow the priority list or the Appellant is to be treated on par with the people below her who have been relieved.
5. Accordingly, the petition is disposed of granting liberty to the Appellant to file a fresh application. Learned Counsel for the Appellant submits that a fresh application will be filed within a week. If such an application is filed, we request the Tribunal to consider the application at the earliest and preferably within a period of three months from the date of receipt of a copy of the order. Railways are directed to cooperate in the disposal of the application.
6. Office to reflect that Mr. Harsheel Shukla, learned Counsel is appearing for the Respondent No.1, in view of the appearance filed.
7. Accordingly, the present writ petition is disposed of.

(N.S.SANJAY GOWDA,J)

(J. L. ODEDRA, J)

Mehul Desai