

May 11, 2026
Sl. No.67
Court No.1
s.biswas

WPCT 18 of 2024
With
CAN 1 of 2026

Union of India and others
vs.
Surajit Banerjee and others

Mr. Ashok Chakraborty, ASGI
Mr. D. N. Roy, Sr. Adv.
Mr. Swapan Kr. Nandy
Mr. Rajesh Kumar Shaw
... for the petitioners/Union of India
Mr. Phatick Chandra Das
Mr. Anurag Chatterjee
... for the respondent

Dictated by Sujoy Paul, C.J.

1. Mr. Chakraborty, learned ASGI for the petitioners Union of India and Mr. Phatick Chandra Das, learned counsel for the respondent, are present.
2. The application for stay being CAN 1 of 2026, is taken up. Learned ASG submits that the petitioner has an arguable matter before this court. Para 10 of the impugned order contains mutually inconsistent finding. On the one hand, the Tribunal remitted the matter back to the department, for passing a reasoned and speaking order and on the second breath

directed to grant over time allowance for the relevant period. The similar matter is pending consideration before the Supreme Court arising out of the order of Kerala High Court. The department is bound to comply with the order if the SLP is dismissed from the Supreme Court. Learned ASGI fairly submits that he is ready to argue the matter on merits of the matter and matter may be kept for final hearing on any suitable time and till such time, the department may be protected from a contempt proceeding which is filed by the respondents.

3. Mr. Das, learned counsel for the respondent submits that earlier Division Bench of this court has not granted the interim order.
4. Faced with this, learned ASGI submits that at that point of time the contempt petition was not filed and pending and in that backdrop this court might have observed as reflected by Mr. Das.

5. The order dated 29.07.2024 passed by Co-ordinate Bench shows that at that point of time, the interim direction was not granted.
6. Since parties agreed to argue the matter finally and this matter cannot be heard before ensuing summer vacation, we deem it proper to fix the matter on 2nd July, 2026 at 2:00 p.m.
7. Considering the aforesaid, we deem it proper to direct the Tribunal not to proceed with the contempt matter until further orders.
8. With the aforesaid, CAN 1 of 2026 is disposed of.
9. Any direction of the Tribunal in the said contempt matter necessitating personal appearance of the concerned officer stands hereby stayed.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)