

WPCT 51 of 2024

(Shri Arun Kumar Paul Vs. Union of India & Ors.)

Mr. Arun Kumar Paul
Ms. Shikha P. Chowdhury

..... For the petitioner

Ms. Chandreyi Alam

.... For the respondents

The present writ petition has been preferred challenging an order dated 29th August, 2023 passed by the learned Central Administrative Tribunal in a review application being R.A. 350/00023/2022 filed in connection with the original application being OA 350/01714/2022. The same was heard along with a contempt petition being C.P. 350/29/2023 filed by the writ petition alleging violation of the order dated 29th August, 2023 passed in OA 350/01587/2021 preferred by the petitioner praying for payment of interest for delayed payment of gratuity and other dues and challenging an order dated 23rd March, 2021.

Upon contested hearing, the said original application was disposed of on 13th May, 2022 setting aside the said order dated 23rd March, 2021 and directing the respondents to re-examine the scope of grant of interest on delayed payment of gratuity and consequential entitlement of the applicant, in accordance with law.

Pursuant to the said order the competent authority passed an order dated 2nd August, 2022. Challenging the said order dated 2nd August, 2022, the petitioner preferred an original application being OA 350/01714/2022 which was disposed of by an order dated 28th September, 2022. The operative part of the said order runs as follows:

‘the order is issued by the APO which is not the competent to pass the same in regard to payment being issued, the order dated 02.08.2022 is quashed and set aside, representation dated 22.08.2022 is directed to be reconsidered by the DRM, NF Rly/ Katihar and due benefits in terms of interest on delayed payment of gratuity be released at the rate of at least 6% per annum within a period of 8 weeks and to issue appropriate order’.

The review application was allowed and the OA 350/01714/2022 was remitted for fresh hearing by an order dated 29th August, 2023 upon arriving at a finding that the order dated 2nd August, 2022 was signed by the APO on behalf of the DRM (P), Katihar.

Ms. Chowdhury, learned advocate appearing for the petitioner submits that the perusal of the document annexed at page – 40 of the petition would reveal that the order dated 2nd August, 2022 was passed by APO-1/KIR, who was not the competent authority. The learned Tribunal earlier directed the competent authority being the DRM(P)/KIR to consider and as such, the order was

derogatory to such earlier direction of the learned Tribunal and the same was rightly set aside. Such argument, as advanced, was not considered by the learned Tribunal while disposing of the review application.

Ms. Alam, learned advocate appearing for the respondents denies and disputes the contention of the petition and submits that no prejudice has been caused to the petitioner inasmuch as upon allowing the review application, the original application was remitted for fresh hearing for considering the sustainability of the order dated 2nd August, 2022 on merits.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The argument of Ms. Chowdhury that the order has been passed by APO-1/KIR is not acceptable to us. The said document annexed at page – 40 to the writ petition reveals that the order passed by the competent authority has been quoted in the same and after the quoted portion, it was stated *‘this is for your kind information please’*.

In view thereof, the observation of the learned Tribunal in the review application that the said order dated 2nd August, 2022 was signed by the APO on behalf of the DRM (P) Katihar, does not suffer from any infirmity.

Accordingly, no interference is called for in the present writ petition and the same is dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)