

WPCT 68 of 2021

(The Union of India & Ors. Vs. Sudip Sarkar & Ors.)

Mr. K. Dalal

..... For the Petitioners.

Mr. Maloy Bhattacharyya

..... For the Respondents.

The present writ petition has been preferred by the Union of India and its functionaries challenging an order dated 4th May, 2020 passed in an original application being O. A. 350/423/2015.

Mr. Dalal, learned advocate appearing for the petitioners submits that the names of the applicants/respondents herein were not forwarded with the approval of the President of the Eastern Railway Men's Congress (in short, ERM C) and as such the requirements of the Railway Board's letter dated 30th May, 2000 were not met. Such fact though communicated to the respondents by a series of letters contemporaneously, the Union submitted the response on 18th March, 2011, i.e., after a lapse of nearly four years and as such the respondents' claim was rightly negated. Such issue, as urged, was glossed over by the learned Tribunal and no finding was returned on the same. Such infirmity warrants interference of this Court.

Drawing our attention to a memo dated 4th March, 2011, Mr. Dalal submits that up to the month of

March, 2011, no list approved by the President of ERMC was served upon the competent authority and as such the learned Tribunal erred in law in setting aside the order dated 17th November, 2014.

Mr. Bhattacharyya, learned advocate appearing for the respondents denies and disputes the contention of the petitioners and submits that the names of the respondents were duly forwarded by the office bearers of ERMC way back in the month of November, 2006. Subsequent thereto, the records were verified and the verification report was submitted to the competent authority. In spite of receipt of the same, the petitioners did not take appropriate steps.

Heard the learned advocates appearing for the respective parties and considered the material on record.

The sequence of facts would reveal that there was no delay on the part of the respondents and their names were duly forwarded, as would be explicit from the contents of the letters dated 1st November, 2006, 20th July, 2009, verification report dated 29th September, 2010.

Upon taking into consideration the said documents, the learned Tribunal rightly discounted the argument of the petitioners that there was a delay on the part of the respondents in submitting their eligibility statement and relegated the matter to the authorities for appropriate consideration.

The learned Tribunal, upon dealing with all the factual issues arrived at specific findings and we do not find any error, least to say any patent error of law in the order impugned. The order also does not suffer from any jurisdictional error warranting interference of this Court.

In view thereof, the present writ petition being WPCT 68 of 2021, is dismissed.

There shall, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

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