

24.02.2025
(D/L-21)
Ct. No.4
(B.K.N.)

W.P.C.T. 15 of 2024

**Kajal Ghosh & Ors.
Vs.
Union of India & Ors.**

Mr. Dinendra Nath Chatterjee
...for the Petitioner

Mr. Dibasish Basu,
Ms. Mary Datta
...for the U.O.I.

1. Heard learned counsel for the petitioner and the learned counsel for the respondents.
2. The learned Counsel for the writ petitioner has tried to make submissions on the merits of the pending original application before the Central Administrative Tribunal, Kolkata Bench. He has submitted that it is an admitted position borne from the records that the applicants before the Tribunal were de-categorized and, therefore, they had approached the Tribunal.
3. The order passed by the Tribunal in the original application has considered this aspect contrary to the records. The Tribunal has, thus, considered the matter in the following terms:

“4. Heard Ld. Counsel on both sides and perused the materials on record. We are of the considered opinion that, prima facie, the applicant in the R.A. has made out a case. We accordingly accept this R.A. and the common order passed by this Tribunal dated

27.06.2022 is hereby, recalled. All the O.A.s, i.e., O.A. 350/233/2017, along with O.A. 350/1500/2017, O.A. 350/1496/2017, O.A. 350/1497/2017, O.A. 350/1493/2017, O.A. 350/1494/2017, O.A. 350/1495/2017, O.A. 350/1499/2017, are restored. List the aforesaid O.A.s for final hearing on 10.01.2024.

5. In the light of the aforesaid, C.P. 350/50/2023 filed by the original applicant for alleged non-compliance of the order dated 27.06.2022 also doesn't survive. C.P. 350/50/2023 is therefore dropped.

6. The present R.A. is disposed of accordingly."

4. The order has been passed by the Tribunal on discovering an error of record with reference to the written notes of arguments filed by the parties on the point whether the applicants got themselves medically examined and de-categorized, or not. We find that the error apparent on the face of the record being pointed out by the Union of India the Tribunal has reviewed its order and the Original Application was posted for consideration on merits. It is not in dispute that the Original Application where the substantial issue is arising for consideration is still pending before the Tribunal.
5. Leaving the parties to pursue their rights and obligations in the pending Original Application proceedings, we find no infirmity in the order passed by the Tribunal in R.A. No. 350/15/2022.
6. The writ petition is, therefore, dismissed.

7. Needless to say the parties will be at liberty to contest all the issue on merits in the pending Original Application.
8. Since both the parties are represented and there is no dispute that the matter is required to be adjudicated expeditiously. We only observe that the Tribunal should proceed without granting any unnecessary adjournments or undue delay.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)