

13.11.2025  
Item No.18  
Ct. No.1  
Saikat  
Mukherjee

**WP.CT/23/2025**  
**UNION OF INDIA & ORS.**  
**VS.**  
**SAMBHU DEY & ORS.**

Mr. Anil Kumar Gupta, Adv.  
Ms. Sarda Sha, Adv.

...For the Petitioners

Mr. Timir Kanti Biswas, Adv. (Through V.C.)

...For the Respondent

Per, Partha Sarathi Sen, J.:-

1. The subject-matter of the instant writ petition is the order dated 15<sup>th</sup> November, 2023, as passed by the Central Administrative Tribunal, Kolkata Bench, Kolkata (hereinafter referred to as 'the said tribunal' in short) in O.A. No.350/1933/2018.
2. By the impugned order the said tribunal rejected the said Original Application by holding that the Railway authority has miserably failed to distinguish the duty hours of the categories of Group-C gate keepers than to categories of Group-A.
3. The said tribunal also in its said order dated 15<sup>th</sup> November, 2023, expressly held that the order dated 18<sup>th</sup> March, 2015, as passed in O.A. No.4516 of 2013 as passed by the Principle Bench of the said tribunal was upheld by the Hon'ble High Court at Delhi in W.P.(C) No.7172 of 2011, and WP(C) No. 7164 of 2011.

4. In course of hearing, learned counsel appearing on behalf of the Railway administration at the very outset draws attention of this Court of to the order as passed in this writ petition dated 14<sup>th</sup> July, 2025. It is submitted that before a co-ordinate Bench on the said day, that is on 14<sup>th</sup> July, 2025, it was brought to the notice of the Court that reasonable opportunity of hearing was not granted to the Railway administration while deciding the said Original Application by the said tribunal.
5. On being repeatedly asked by us, learned counsel appearing on behalf of the writ petitioners however failed to give any cogent explanation as to what prevented him to submit the order-sheets of the said tribunal to substantiate that the very crucial right of *audi alteram partem* was denied to the Railway administration by the said tribunal while deciding the said Original Application.
6. On the contrary, it has been noticed by us that in the impugned judgment, more specifically in the Paragraph No.7 thereof, the said tribunal has categorically held that Railway administration has failed to file written reply to the Original Application despite given several opportunities to them.
7. The said tribunal further observed, however, that due opportunity was given to the learned counsel for the Railway administration to make his submission. In absence of any contrary material, we are thus not

inclined to accept the contention of the learned counsel for the Railway administration/writ petitioner herein that principles of natural justice have been violated before the said tribunal.

8. Coming to the factual aspect of this case, learned counsel appearing for the Railway administration/writ petitioner draws attention of this Court to Page Nos.77 and 78 of the instant writ petition. It is submitted on behalf of the Railway administration that Clause-8 of the Railway Servants (Hours of Work and Period of Rest) Rules, 2005 (hereinafter referred to as 'the said Rules' in short) clearly indicates the standard duty of hours for different classes of employment of Railway servant and the said Rules further prescribes remuneration for additional pay for additional hours per week.
9. In course of his argument, learned counsel appearing on behalf of the Railway administration has miserably failed to distinguish the basic fact that the said tribunal while deciding the said Original Application has wrongly construed that the additional pay as payable to the Gateman/'A' category is not applicable to the Gateman/'C' category.
10. In view of the discussion made hereinabove and in absence of any cogent material to substantiate that for performing additional duty beyond duty hours the Gateman in the Category of 'C' is not entitled to any additional pay, we are not inclined to interfere with

the finding of the tribunal as passed vide its order dated 15<sup>th</sup> November, 2023.

11. Before parting with, we have also noticed that the said tribunal before passing the impugned order took up hearing of the said Original Application for disposal with consent of both the parties.
12. In view of the aforementioned observation, we do not find any merit in the instant writ petition. In absence of glaring illegality and/or perversity, we are thus not inclined to interfere with the impugned order.
13. With the aforesaid observation, WP.CT No.23 of 2025 is dismissed.
14. There shall be, however, no order as to costs.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all necessary formalities.

**(SUJOY PAUL, ACJ.)**

**(PARTHA SARATHI SEN, J.)**