

14.11.2025
Item No.34
Ct. No.01
RP

WPCT 30 of 2025

**Lakshman Kumar Bhunia
VS
Union of India & Ors.**

Mr. Bharat Bhushan
Mr. Atindrranath Misra
...For Petitioner

Ms. Susmita Mukherjee
..For UOI

PER, SUJOY PAUL, ACJ.:

1. Mr. Bhushan, learned advocate appears for the petitioner and Ms. Mukherjee, learned advocate appears on behalf of brief-holder for the respondent/UOI.
2. Learned advocate for the petitioner submits that pursuant to land acquisition by railways, petitioner submitted his candidature/application for compassionate appointment in lieu of land acquired. Since his application for consideration for compassionate appointment could not fetch any result, he filed OA No.567 of 2022 before the Tribunal, which was disposed of on 28.04.2022 by directing the department to consider and decide the said representation.
3. In turn, the Divisional Railway Manager (P), Kharagpur by a rejection order dated 20.01.2023 rejected the representation dated 28.11.2022. The petitioner filed

OA No.350/00197/2023 before the Tribunal. The Tribunal disposed of the said application on 18.04.2024. The singular question raised by the learned counsel for the petitioner is that the prayer before the Tribunal was to set aside the rejection order dated 20.01.2023. The Tribunal did not examine the legality, validity and propriety of the said order and was indeed impressed by an event that the petitioner was called for further document verification whereas no such event had taken place. The Tribunal ought to have examined the prayer of the petitioner and validity of the rejection order dated 20.01.2023. Since no decision is taken by the Tribunal on merits, the impugned order may be set aside and the OA No.350/00197/2023 may be restored to the file of the Tribunal by directing it to decide on merit.

4. Learned advocate appearing on behalf of the brief-holder for the respondent/UOI prays for time.
5. The impugned order shows that although the learned counsel for the Railway Administration entered appearance before the Tribunal, no reply was called for and filed and the matter was decided by the Tribunal in admission stage itself. In this backdrop and considering the nature of the order passed by the Tribunal we are not inclined to adjourn the matter.
6. A plain reading of the order of the Tribunal shows that the Tribunal has not examined the correctness/legality of the impugned order dated 20.01.2023. In-stead, the

Tribunal opined that there is some document verification whereas after rejection of the petitioner's claim no such event of document verification had taken place. We find substance in the argument of the learned counsel for the petitioner that unless the validity of the rejection order dated 20.01.2023 is decided by the Tribunal no right or entitlement will accrue in favour of the petitioner. Since the Tribunal has not considered the validity of the rejection order impugned before it, we deem it proper to set aside the order dated 18.04.2024 and restore the application being OA No.350/00197/2023 to its original number with request to the Tribunal to hear it afresh and decide it in accordance with law. We order accordingly.

7. The petition is disposed of without expressing any opinion on merit.
8. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, ACJ]

[PARTHA SARATHI SEN, J.]