

6th May, 2025
(D/L No.13)
Ct. No.4
(SKB)

W.P.C.T.85 of 2025

The General Manager,
Ammunition Factory Khadki, Pune
Versus
Bhartiya Samrakshan Kamgar
Sangh (R) and others

Mr. Ajay Chowbey,
Ms. Amrita Pandey

... for the petitioner.

Mr. Satadeep Bhattacharya,
Mr. Tanuj Kakrania,
Mr. Sanik Mukherjee,
Ms. Surabhi Mehta,
Ms. Sriparna Mitra

... for the respondent no.1.

1. The writ petition has been filed alleging that the Central Administrative Tribunal, Kolkata Bench (in short 'Tribunal') has disposed of the Original Application, filed on 17.09.2021, two days thereafter on 20.09.2021. The Tribunal has disposed of the OA without giving any opportunity to the present writ petitioner/respondent before the Tribunal of filing a reply or ensuring representation in the proceedings. Issue of jurisdiction was also raised.
2. The learned counsel for the respondent no.1, on the other hand, submits that notice was served in advance at the time of filing. The petitioner chose not to appear, when the matter was taken up on

20th September, 2021. The petitioner is thus precluded from contending that opportunity was not given to the petitioner.

3. A bare perusal of the order passed by the Tribunal in O.A. No.1483 of 2021 on 20.09.2021 reveals that on the very first day, when the matter was listed, the Tribunal has proceeded to dispose of the Original Application.
4. We find that without allowing any opportunity to the respondents for ensuring appearance, as the matter had just been filed on 17.09.2021, the Tribunal has proceeded to dispose of the application on 20.09.2021.
5. In such view of the matter, the court is of the *prima facie* opinion that the order was unsustainable.
6. At this juncture, the learned counsel for the respondent no.1 submits that the order only directs the present petitioner who was respondent no.2 before the Tribunal to consider the claim of the writ petitioner with regard to the benefits of overtime allowance being included amongst the various other allowances, w.e.f. 2006.
7. Since there was no mandatory direction upon the respondents, they ought to have complied with

the same when the order was brought to their notice by the applicants/respondents.

8. The learned counsel for the petitioner responds by submitting that such directions for consideration have been given in paragraph 5 of the impugned order passed by the Tribunal. However, in paragraph 6, mandatory directions have been issued for releasing the dues in favour of the members of the Union. Such mandatory directions are unsustainable having been passed in violation of the principles of natural justice, without even giving any opportunity of appearance to the present writ petitioner in the proceedings before the Tribunal.
9. On consideration of the rival submissions, we find that the prime concern of the applicant/respondent is consideration of his claim by the respondents.
10. The writ petitioner's only objection is regarding the directions contained in paragraph 6 of the impugned order. We thus modify the order of the Tribunal dated 20.09.2021 to the extent that the present writ petitioner would not be under any liability or obligation to release the dues in terms of the directions passed in paragraph 6 of the order passed by the Tribunal,

unless they have found the applicants to be entitled to such benefits in accordance with law. If, however, the authorities are of the view that the applicants/respondents are not entitled to any benefit, it will be open to the applicants/respondents to assail such order before a forum of competent jurisdiction.

11. In view of the modification, we extend the time for consideration by the writ petitioner to eight weeks from date.
12. The writ petition stands disposed of accordingly.
13. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)