

18.11.2025
Item Nos.76 & 77
Ct. No. 1
KS

WP.CT 80 of 2014
Shri Satish Chandra Dolui
VS
Union of India & Ors.
With
WP.CT 40 of 2017
Shibendra Nath Acharya & Ors.
VS
Union of India & Ors.

Mr. Sabyasachi Chatterjee
Mr. Badrul Karim
Mr. Kiron Sk.
Mr. Aritra Shah

.....For the Petitioners

Mr. Biswamber Jha
Mr. Guddu Singh

.....For the Respondents/U.O.I.
in WP.CT 80 of 2014

PER, SUJOY PAUL, ACJ.:

1. Mr. Sabyasachi Chatterjee, learned counsel appears for petitioners. Mr. Biswamber Jha along with Mr. Guddu Singh, learned counsel appears for respondents/Union of India.
2. With the consent finally heard. Since both the matters are analogous in nature, on the joint request of the parties, matters were analogously heard and decided by this common judgment.
3. The facts are taken from WP.CT 80 of 2014. This matter assails the order dated 13.09.2012 passed in

O.A. No.1882 of 2009 passed by Central Administrative Tribunal, Calcutta Bench, Calcutta whereby singular relief claimed by petitioner for issuing direction to appoint the applicant in Group – D Post in Printing and Stationery Department on an empanelment was declined by the Tribunal. The admitted facts between the parties are that the petitioners submitted their candidature for the Post of Khalasi, Group – D in the Printing Department as per employment notice dated 15.04.1988. In the selection list, the name of applicant was mentioned at Serial No.18, since he was not given appointment despite empanelment, O.A. No.1130 of 1998 was filed, which was disposed of by directing the Department to decide the representation by a speaking order within eight weeks. In turn, on 05.02.1999, the rejection order was passed. This order became subject-matter of challenge in O.A. No.1060 of 2001, which was again disposed of by Tribunal on 06.01.2004 by directing the respondents to consider the case of applicant after ban is lifted. Since the applicants was still not appointed, he filed the instant O.A, the Tribunal rejected the said O.A.

by assigning reason that during the operation of ban, the currency of said panel expired.

4. It is further recorded that similarly situated persons filed O.A. No.1063 of 2003, O.A. No.1171 of 2003 and O.A. No.822 of 2004 whereby Railway Administration was directed to operate the panel by order dated 10.03.2005. The Railway Administration unsuccessfully challenged this order by filing review before the Tribunal, which was rejected by Tribunal on 30.06.2005. Thereafter, Department filed a petition before this Court, which was disposed of by order dated 05.03.2007.
5. Sri Chatterjee, learned counsel for petitioners submits that the Tribunal has committed an error in not allowing the O.A. The Tribunal failed to see that the applicants were subjected to hostile discrimination. After the order of High Court dated 05.03.2007, the Department has not issued any advertisement and thereby deprived the petitioners for filing their candidature. It is submitted that Tribunal ought to have granted the relief claimed for.

6. Mr. Jha, learned counsel for the Department supported the impugned order.

7. We have heard the parties at length.

8. Before the Tribunal the petitioners have prayed for the following relief:-

“a) An order do issue directing the respondents to issue the letter of appointment in favour of the applicant in Group ‘D’ post in the Printing & Stationery Department as the ban on recruitment was lifted.”

9. The finding of Tribunal in the previous round as well as in the instant case, is that the life of panel stood expired. Once life of panel is expired, no mandamus/direction can be issued to pass on the fruits of such selection. The High Court, while disposing of the writ petitions ordered as under:-

“.....we are of the view that the order under challenge passed on 10th March, 2005 and the order dismissing the applications for review June 2005 can not be sustained and are, therefore, set aside. However, in the peculiar facts and circumstances of this case, where hostile discriminations made by the authority between the candidates of reserve category and unreserved category is writ large, the writ petitioners, without in any manner derogating from the order dated 16th September 1996 are directed to allow the respondents to participate in the selection process for vacancies which may hereafter be advertised within a period of three years from date and for that purpose the age of the candidates would not be a bar.....”

10. The plain reading of this order makes it clear that this Court has not directed to give appointment to

the candidates pursuant to the employment notice dated 15.04.1988. This Court only opined that after lifting of ban, the candidates can participate in the selection process, which is advertised within a period of three years from date and for that purpose, the age of candidates would not be a bar. Thus, relaxation to some extent at a given point of time was granted.

11. The grievance put forth by Sri Chatterjee is that the Department did not issue any such advertisement after the order of the High Court. We are afraid that this is not the *lis* before us. We are in supervisory jurisdiction under Article 226/227 of the Constitution of India examining the legality, validity and propriety of the impugned order of the Tribunal. It was not the prayer of petitioners before the Tribunal to issue advertisement pursuant to the order of the High Court dated 05.03.2007 and give relaxation in age. Thus, there is no occasion for us to deal with the said aspect. For all practical purposes, no relief can be granted to the petitioners and petitions by efflux of time have rendered

infructuous. Thus, we decline interference.

Petitions are dismissed.

12. Interim order, if there be any, stands vacated.

13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)