

15.09.2025

Item no. DL/7
Court No. 4

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WP.CT 48 of 2022**

In the matter of :

UNION OF INDIA & ORS.

...Petitioners

VS.

SHRI PANKAJ KUMAR SINGH

...Respondent

For the Petitioners / UoI :

Mr. Pulakesh Bajpayee

Mr. Kushi Prasun Chatterjee

...Advocates

For the Respondent :

Mr. Pankaj Kumar Singh (in-person)

1. Heard the learned advocate for the writ petitioner and the respondent / applicant appearing in-person.
2. The applicant, a Senior Section Officer, participated in a process under the limited departmental examination 30% quota for promotion as Assistant Financial Advisor. The vacancy and notification initiating the process is of 2015. After the examination of the two papers were conducted on 08.02.2016, Paper-I was cancelled. The applicant in the circumstances approached the Tribunal by filing OA 1825 of 2016. The Central Administrative Tribunal (for short, "Tribunal") gave an opportunity to the applicant to make a representation to the

authorities. Pursuant to such representation, the applicant's claim was rejected by a speaking order which was assailed in the second OA no.0186 of 2018, the order of which is subject matter of the present writ petition.

3. The learned advocate for the petitioners draws attention of the Court towards impugned order of the Tribunal dated 21.02.2022, which is in the following terms :-

“8. Having noted no report of any large-scale malpractice, corruption, nepotism, favouritism, etc, we are of the considered opinion that the respondents should be directed to complete the selection process at the earliest. Even a re-examination for Paper-I may be conducted, if required.”

4. It is submitted that carrying out of such an exercise by taking a re-examination or otherwise would be an exercise in futility since during pendency of the Original Application the applicant, without prejudice to his rights and contentions in the pending OA, gave his willingness to participate in a recruitment process under the LD quota which was initiated on 08.11.2021. He participated successfully and has already been appointed as an Assistant Financial Advisor on 25.01.2022.
5. The learned advocate for the Railways, therefore, submits that carrying out the exercise in terms of

the order passed by the Tribunal is not only an exercise in futility, but would result in no gain to the applicant as there is no rule that the applicant can be given a seniority based on date / year of notification of the vacancies. The relevant rules under the IREM contemplates that the date on which the person qualifies the process is to be taken as the date for determination of his seniority. The applicant's seniority already having been fixed on 25.01.2022, if a subsequent process is undertaken in compliance of the order passed by the Tribunal, the same would only result in shifting of the applicant's seniority to a later date, that is the date on which the recruitment process would finally be concluded and that also, if the applicant emerges successful.

6. The applicant who is the respondent in the present proceeding has appeared in-person. He submits that the cancellation of the recruitment process was unjustified and, therefore, the applicant ought to be placed in a seniority with effect from the date of notification of vacancies. He, however, has not been able to show any provision under which such a claim can be substantiated. There is no rule or regulation or circular relied upon in this regard.

7. The impugned order of the Tribunal also did not grant any relief that the applicant / respondent would be given seniority with effect from the date of notification of vacancies in the year 2015. The order of the Tribunal was accepted by the applicant and was not put to challenge for such relief.
8. Given the circumstances, we are in agreement with the submissions advanced by the learned advocate for the Railways and, therefore, allow the writ petition. The directions of the Tribunal as on date will in no way benefit the applicant. Allowing the same to continue would be futile. The order of the Tribunal dated 21.01.2022 passed in OA no.0186 of 2018 is set aside.
9. The writ petition is allowed and accordingly disposed of.
10. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)