

23.06.2025  
(D/L-10)  
Ct. No.4  
(B.K.N.)

**W.P.C.T. 118 of 2025**

**The Executive Director,  
Field Gun Factory, Kanpur  
Vs.  
Field Gun Factory Sharmik Sangh,  
Kanpur and Others**

Mr. Ajay Chaubey,  
Ms. Amrita Pandey,  
Mr. Ghanshyam Pandey,  
Mr. Upratim Ghosh

...for the Petitioner

Mr. Souvik Ganguly  
...for the Respondent Nos. 1 to 6

Mr. Souvik Nandy, Sr. Adv.,  
Mr. Guddu Singh  
...for the Respondent No. 7/ U.O.I.

1. Affidavit-of-service have been filed showing service upon the respondent nos. 10, 11, 12 and 14. There is no service insofar as respondent no. 13 is concerned.
2. The learned counsel for the petitioner submits that non-service upon respondent no. 13 is of no consequence as he is only a proforma respondent.
3. We accept the affidavit-of-service in these circumstances.
4. Respondent nos. 1 to 9 are represented by Mr. Souvik Ganguly and respondent no. 7 is represented by Mr. Souvik Nandy.
5. 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 28.09.2021, next day thereafter on 29.09.2021. The Tribunal has disposed of the Original Application 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.

6. 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 28<sup>th</sup> September, 2021. The petitioner is thus precluded from contending that opportunity was not given to the petitioner.
7. A bare perusal of the order passed by the Tribunal in O.A. No. 1543 of 2021 on 29.09.2021 reveals that on the very first day, when the matter was listed, the Tribunal has proceeded to dispose of the Original Application.
8. We find that without allowing any opportunity to the respondents for ensuring appearance, as the matter had just been filed on 28.09.2021, the Tribunal has proceeded to dispose of the application on 29.09.2021.
9. In such view of the matter, the Court is of the prima facie opinion that the order was unsustainable.
10. 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.

11. 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.
12. 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, the Tribunal has issued mandatory directions 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.
13. On consideration of the rival submissions, we find that the prime concern of the applicant/respondent is consideration of his claim by the respondents.
14. The writ petitioner's only objection is regarding the above noted mandatory directions in the impugned order. We thus modify the order of the Tribunal dated 29.09.2021 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 the impugned order passed by the Tribunal, unless they have found the applicants to be entitled to such benefits in accordance with law. If after considering the claim as per law, 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.

15. In view of the modification, we extend the time for consideration by the writ petitioner to eight weeks from date.
16. The writ petition stands disposed of accordingly.
17. 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.)**