

03.07.2025
(D/L-5)
Ct. No.4
(B.K.N.)

W.P.C.T. 128 of 2025

The Union of India & Others
Vs.
Smt. A Rajeswari & Another

Mr. Partha Ghosh, Sr. Counsel,
Mr. Debashish Basak
...for the Petitioners (S.E.R.)

Mr. Kedareswar Chakraborty
...for the Respondents

1. Affidavit of service filed by the petitioner is taken on record.
2. Heard learned counsel for the petitioner and the learned counsel for the respondents.
3. We find that the present case arises out of the orders passed in the contempt proceedings by the Tribunal seeking compliance of the order passed in O.A. No. 962 of 2014 on 20.02.2019, wherein the Tribunal was of the view that no proceedings could now be conducted against the delinquent in view of his sad demise; and also that others who were allegedly part of the misconduct have been given a lesser punishment. The authorities were thus directed to suitably revise the punishment of removal from service earlier issued against the private respondent's husband.

4. The authorities thereafter have passed an order dated 09.12.2024 in compliance with the said order which reads:

“5. After considering all the above aspects, I have decided to take lenient view on humanitarian ground and financial hardships of Ex-Employee’s family members, and reduce the punishment from “You are hereby removed from Railway Service with immediate effect as a measure of Disciplinary action without any compassionate allowance” to “you are hereby removed from Railway Service with 2/3rd Compassionate allowance (only Pensionary benefits)” subject to fulfilment of other criteria as per extant rules, purely as an act of compassion to Ex-employee’s family members.”

5. Even thereafter the Tribunal has directed for filing a compliance report since it was not satisfied with the extent of revision of punishment accorded by the authorities pursuant to the order passed by in the Original Application.
6. We find the order of the Tribunal in this regard dated 08.04.2025 passed in C.P. 86 of 2019 to be unsustainable. Once the authorities have complied with the order passed by the Tribunal in Original Application and passed an order dated 09.12.2024, revising the punishment by awarding a lesser punishment, the order of the Tribunal stands substantially complied with.
7. It is a different matter that the petitioner may still not be satisfied with the lesser punishment, and under such circumstance it is always open to her to assail the order. Once the order passed in the Original

Application is complied by revising the punishment order there is no occasion for the Tribunal to travel beyond the order passed in the Original Application and pass an order directing them to reconsider the matter.

8. The order of the Tribunal dated 08.04.2025, in our opinion, therefore, is unsustainable. We set aside the same.
9. Having regard to the submissions advanced on behalf of the private respondent, as recorded above we reserve his liberty to take appropriate steps to assail the order passed by the authorities on 09.12.2024.
10. The petitioner's counsel submits that liberty may also be granted to the petitioner to avail the benefits of the order dated 09.12.2024 without prejudice to his rights and contentions. Such liberty is allowed.
11. The writ petition is accordingly disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)