

29.07.2025
(D/L-03)
Ct.-02
(Nandita)

W.P.A. 13967 of 2025

Ramesh Chandra Pathak
-Vs-
Union of India & Ors.

Mr. Saptarshi Roy,
Ms. Kakali Das Chakraborty
.... For the Petitioner.

Mr. Kumarjyoti Tiwari, ld. Sr. Adv.
Ms. Tanusree Ghosh
.... For the Respondents

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Mr. Saptarshi Roy, learned advocate
appears for the petitioner.

Ms. Tanusree Ghosh, learned advocate led
by the Mr. Kumarjyoti Tiwari, learned Senior
Advocate appears for respondent nos. 3 and 4.
They received instruction from Assistant Welfare
Officer for Deputy Chief Personnel Officer (W),
Indian Railways. The instruction letter dated July
2, 2025 placed before this Court is taken on
record.

Ms. Ghosh submits that, till now they have
not been engaged formally on behalf of the
respondent nos. 1 and 2.

Considering the issue involve in this writ
petition both the learned counsel Ms. Ghosh and

Mr. Tiwari are requested to appear for respondent nos. 1 and 2 to assist this Court in the matter and their appearance shall be regularized by the appropriate authority of the respondent nos. 1 and 2.

This is the second round of writ litigation on the self-same issue.

The first writ petition **WPA 8393 of 2025** was disposed of by this Court by an order dated **May 7, 2025, annexure P-14** at **page 86** to the writ petition. Under the same order, the respondent no. 3 herein was directed to consider the representation of the petitioner upon prior notice of hearing and after granting hearing to the petitioner, in the mode and manner as directed in the said order dated **May 07, 2025**.

Learned counsel for the petitioner refers to the impugned reasoned order passed by the respondent no. 3 dated **May 24, 2025 annexure P-16** at **page 96** to the writ petition and submits that, neither any notice of hearing was served nor any opportunity of hearing was granted to the petitioner as directed by this Court on **May 7, 2025** and the impugned reasoned order was passed.

Learned counsel appearing for the respondents has placed reliance upon the written

instruction dated **July 2, 2025**, as referred to above. From the said written instruction it appears to this Court that no contrary material has been produced before this Court to controvert the plea taken by the petitioner as recorded above. The stand of the respondent nos. 2 and 3 suggests, on the face of it, that opportunity of hearing was not granted to the petitioner.

Accordingly, the impugned **speaking order dated May 24, 2025 annexure P-16** at **page 96** to the writ petitioner, stands **set aside** and **quashed**.

The respondent no. 3 in strict compliance of the direction made by this Court in its order dated **May 7, 2025** shall conduct the hearing and then pass its reasoned order in accordance with law. The time stipulation fixed in the said order dated May 7, 2025 shall remain unaltered and without any modification but the same shall reckon from the date of communication of today's order.

This direction is mandatory.

Since affidavits are not called for, allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is made clear that, this court has not gone into the merits of this writ petition.

The writ petition **WPA 13967 of 2025** stands **disposed of** without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Aniruddha Roy, J.)