

17<sup>th</sup> June, 2025  
(D/L No.19)  
Ct. No.4  
(SKB)

**W.P.C.T.155 of 2012**

Smt. Deepali Purkayastha and others  
Versus  
Union of India and others

Mr. Achinta Kr. Banerjee,  
Ms. Indumouli Banerjee  
....for the petitioners.

Mr. Asok Kumar Chakrabarti, Id. ASGI,  
Ms. Susmita Saha Dutta  
for the respondents.

1. Even though neither of the parties appeared before the Central Administrative Tribunal, Kolkata Bench (in short 'Tribunal') on the date on which the OA was listed for hearing (30.03.2012), the Tribunal has proceeded to dispose of the matter on merits by an order dated 13.04.2012. O.A.461 of 2009 has, thus, been dismissed. It is this order which is under challenge in the instant proceedings.
2. The learned counsel for the petitioners/applicants has made elaborate submissions on the merits of the matter, which submissions have been denied, disputed and refuted by the learned A.S.G.
3. An issue arose regarding the legality of the order passed by the Tribunal not on merits, but on procedural aspect. The issue is with reference to

Section 15 of the Central Administrative Tribunal (Procedural) Rules, 1987 (in short ‘the Rules, 1987’) framed under powers exercised by the Central Government under Sections 35 and 36 of the Administrative Tribunals Act, 1985. Rule 15 of the Rules, 1987 reads as follows:

**“15. Action on application for applicant’s default.—**(1) Where on the date fixed for hearing of the application or on any other date to which such hearing may be adjourned, the applicant does not appear when the application is called for hearing, the Tribunal may, in its discretion, either dismisses the application for default or hear and decide it on merit.

(2) Where an application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application was called for hearing, the Tribunal shall make an order setting aside the order dismissing the application and restore the same:

Provided, however, where the case was disposed of on merits the decision shall not be reopened except by way of review.”

4. A plain reading of the Rule 15 reveals the intent of the Rule. When the matter is fixed on a particular date for hearing and the applicant does not appear, the Tribunal has discretion either to dismiss the application for default or hear and decide it on merit.
5. In the present case, the Tribunal has neither dismissed the matter for default, nor it directed for listing of the matter for hearing with a view to its decision on merits. The Tribunal has proceeded to dismiss the application on merits on

its own. Such a procedure was not available under the Rules, 1987, extracted above. The decision of the Tribunal when neither party appeared, and without any arguments being advanced by either side is, thus, found to be unsustainable.

6. The question, thus, arose whether the petitioner should be relegated to file a review as contemplated under the proviso to Section 15(2) of the Rules, 1987, extracted above.
7. Since the matter raises an instance of violation of the principles of natural justice and has been pending now for more than a decade, we are of the view that interest of justice demands that the matter be remitted to the Tribunal, with a view to its expeditious disposal on merits after hearing the parties.
8. We, therefore, remand the matter to the Tribunal for decision afresh on merits. The learned counsels representing the parties shall ensure that the parties enter appearance before the Tribunal within four weeks from date so as to ensure expeditious consideration of the matter.
9. To facilitate such consideration, we set aside the order dated 13.04.2012 passed in O.A. No.461 of 2009.

10. The writ petition is, thus, disposed of in these terms.

11. Urgent photostat copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

**(Madhuresh Prasad, J.)**

**(Supratim Bhattacharya, J.)**