

09.09.2025

Item no. DL 3
Court No. 4

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WP.CT 109 of 2019**

In the matter of :

UNION OF INDIA & ORS.

.... Petitioners

VS.

SHYAMALI CHAKRABORTY (MUKHERJEE) & ORS.

....Respondents

For the Petitioners :

Mr. D. N. Ray, Sr. Advocate

Mr. Madhu Jana

Mr. Rahul Agarwala

....Advocates

For the Respondent nos.(a), (b) & (d) :

Mr. Alope Chatterjee

Mr. Arghya Mullick

....Advocates

1. The petitioners herein, the Union of India and the Railway Authorities, being aggrieved by and dissatisfied with the order passed by the Central Administrative Tribunal, Kolkata Bench in O. A. no.173 of 2014 dated 14.03.2019, have assailed the direction of the order passed by the Tribunal which is reproduced hereinbelow:-

“..... The Revisional authority will complete his exercise within a period of eight weeks from the date of receipt of a copy of this order and issue a reasoned order untrammelled by his earlier orders dated 12.8.2013. While the Revisional authority proceeds to take actions in terms of this order, the applicant is directed to cooperate with the respondent authorities in the process.

The O. A. is allowed to the extent of the above directions. There will be no orders on costs.”

2. Through the impugned order the revisional authority was directed to complete the entire proceeding within eight weeks and to pass a reasoned order. Unfortunately, during the proceeding before the revisional authority, the employee, namely, Mukul Mukherjee expired. Through the impugned order it was also directed that while the railway authority proceeds to take action in terms of the said order of the Tribunal, the applicant is directed to cooperate.
3. Now on the death of the employee, his legal heirs being the wife, two daughters and one son are alive and have been substituted. Out of the said four legal heirs, one daughter, namely, Rani Chakraborty is yet to appear. Twice attempts have been made to serve notice upon her but it has culminated in unfruitful result. In such circumstance, the learned Senior Counsel representing the petitioner / railway authorities has submitted that the Government servant, against whom action was taken, was the only person competent to participate / cooperate in the proceeding before the Revisional Authority. There was / is no master servant relationship with the legal heirs of the employee and therefore the directions of the Tribunal have become infructuous.

4. On the other hand, the learned counsel representing the substituted and appearing respondents submits that they are not at all interested in the proceedings and are satisfied with the order passed by the revisional authority, i.e., “removal from service with 2/3rd pension and gratuity” instead of ‘removal of service without any compassionate allowance’.
5. The learned Senior Counsel representing the railway authorities / petitioners further submits that on the death of the employee, the present writ petition has become infructuous.
6. Considering the submissions of the learned advocate for the petitioner that directions of the Tribunal have become infructuous due to death of the original applicant, and submission of the learned counsel representing the appearing respondents including the wife of the employee, since deceased, that they are content with receiving the benefit of the revisional authority’s order, i.e., “2/3rd pension and gratuity”, this Court is of the view that no action is required to be taken by the revisional authority pursuant to the impugned order dated 14.03.2019 passed by the Tribunal. However, the authorities are duty bound to extend all benefits in terms of the Revisional Authority’s order dated 12.08.2013, including the

2/3rd pension and gratuity. Thus, keeping the present writ petition alive will be futile.

7. The writ petition is accordingly disposed of.
8. 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.
9. 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.)