

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :-

The Hon'ble Acting Chief Justice Sujoy Paul

And

The Hon'ble Justice Chaitali Chatterjee (Das)

WPCT 166 of 2015

With

CAN 1 of 2021

CAN 2 of 2025

The Union of India and others

-Vs-

Barun Kumar Sar and others

For the respondent petitioners/Union of India:

Mr. Sanajit Kumar Ghosh

Ms. Sarda Sha

For the respondents:

Mr. Pritam Chaudhury

Mr. Dipankar Saha

Mr. Subham Kr. Das

Heard on : 12.11.2025

Judgment on : 12.11.2025

SUJOY PAUL, A.C.J. : –

1. This petition filed under Article 227 of the Constitution of India challenges the order of Central Administrative Tribunal, Kolkata Bench, Kolkata, passed on 23.04.2015 in O.A. No.227 of 2013 whereby the benefit of pay scale of Rs.7450-11500 was granted to the applicants therein. In addition, the learned Tribunal opined that the applicants therein are entitled for equal treatment at par with their counterparts working in other workshops for the purpose of

restructuring. The entire exercise was directed to be completed within a period of 3 months.

2. During the course of hearing, learned counsel for the department and the respondents fairly submitted that pay scale of Rs.7450-11500/- has already been extended in favour of the respondents. In this instant petition, Department is not pressing any relief against the order of Tribunal to the extent relates to the aspect of grant of pay scale. This contention was advanced on more than one occasion by learned counsel for Union of India and therefore the examination must be confined to the aspect of restructuring only.
3. Learned counsel for the Railway administration submits that in every 10 years, the Railway administration undertakes the exercise of 'restructuring'. In view of the judgment of Supreme Court in ***Union of India and others vs. Satya Brata Chowdhury and others*** reported in **(2008) 16 SCC 383**, the cadre of present respondents were directed to be separate and in this view of the matter, their restructuring could not be ordered till the decision in File No.PC-III/CRC/Misc/2023/2/2 dated 11.01.2024 was taken by the Railway Board. This Railway Board decision is supplied by the learned counsel for the department and the same is also filed by the respondents along with CAN 2 of 2025.
4. Learned counsel for the department has taken pains to submit that the restructuring benefits were required to be decided by the Railway administration, keeping in view the judgment of the Supreme Court

in the said case. Said decision was taken by Railway Board on 11.01.2024 and cadre is directed to be restructured with effect from 01.01.2024. Accordingly, options were invited by the employees and decision of such option will be taken in accordance with the scheme/law. He submits that before such decision is taken by the Railway Board allowing restructuring, there was no justification on the part of the Tribunal to direct similar restructuring by impugned order. Thus impugned order of Tribunal is bad in law.

5. Learned counsel for the department submits in the previous round of litigation which travelled upto Supreme Court, relief was confined to grant of pay scale. The litigation triggered with filing of T.A. No.1585 of 1986 and in that matter, no prayer for restructuring was made by the applicants therein. Few of them are even common in the present litigation. Thus, it is strenuously contended that Order 2 Rule 2 of the CPC will come into play and the relief which was available, if not prayed for, cannot be looked into in the subsequent litigation. Learned counsel for the department fairly submitted that this ground had not been taken before the Tribunal.
6. The contention of learned counsel for the employees is that there are different workshops of Railways, such as Jamalpur Workshop, Varanasi Workshop, Garden Reach Workshop, Liluah Workshop, etc. Thus, the Tribunal has taken note of exercising of restructuring in Jamalpur Workshop, Varanasi Workshop and Garden Reach Workshop and came to hold that respondents are not able to show

that cadre of Liluah Workshop is different and distinct from its ministerial cadre and therefore such discrimination is without any basis and therefore the employees are entitled to get the restructuring benefit at par with their counterparts in other workshops.

7. Learned counsel for the respondents submits that issuance of Railway Board Circular dated 11.01.2024 makes it clear that Railway Board itself realized that there exists parity in the matter of restructuring and therefore extended the benefit of restructuring by Railway Board order dated 11.01.2024. The parity is established and benefit was directed to be extended from 01.01.2024. There is no justification in not maintaining parity in the matter of date also. Putting it differently, it is argued that once the parity is established, no fault can be found in the order of the Tribunal directing restructuring within 3 months of passing of impugned order.
8. No other point is pressed by learned counsel for the parties. We have heard the learned counsel for the parties at length and perused the relevant record.

Findings:

9. As noticed above, learned counsel for the parties jointly and fairly urged that question of grant of pay scale by the Tribunal lost its significance in view of the extension of benefit of said pay scale to the respondents. The only question relates to the 'restructuring' of cadre as ordered by the Tribunal.

10. We have carefully gone through the order of the Tribunal. The Tribunal has taken into account the restructuring pattern of various workshops including Jamalpur, Varanasi and Garden Reach workshops and opined that the department failed to show that the cadre of Liluah Workshop is different and distinct from the ministerial cadre of other workshops. It is noteworthy and admitted fact that during pendency of this petition, Railway Board on its own accord passed circular dated 11.01.2024 (supra) and maintained parity from 01.01.2024 by directing restructuring. In other words, from a later date, the Railway administration decided the restructuring of the cadre of Liluah Workshop with effect from 01.01.2024. Thus, it is clear like cloudless sky that parity is established between the cadre of Liluah Workshop and other workshops for the purpose of restructuring and considering these aspects only, the Railway administration decided to undertake the exercise of restructuring in the present workshop from 01.01.2024. Thus, it is crystal clear that parity between the cadre of present respondents and other workshops has been established which became reason for Railway Board to issue the circular dated 11.01.2024.

11. The ancillary question is whether despite the fact that parity is established and restructuring is ordered, whether any fault can be found in the impugned order of the Tribunal in directing restructuring. In our considered opinion, once the parity is established in the matter of restructuring, no fault can be found in the impugned order of the

Tribunal which is solely based on the question of parity. The Tribunal opined that the respondents could not establish that similarly situated cadre/employees of other workshops are different and distinct from the ministerial cadre of Liluah Workshop. Thus, the finding of learned Tribunal is on the touchstone of Article 14 of the Constitution of India. After realizing the aspect of parity, the Railway administration itself issued a circular dated 11.01.2024, which in no uncertain terms makes it clear that there exists a parity and restructuring benefits are to be granted to Liluah Workshop cadre as well.

12. So far objection about Order 2 Rule 2 is concerned, we have heard the parties on this aspect and in our opinion, this argument is devoid of merits for the simple reason that restructuring in other workshops had taken place much later to the recommendation of 5th Pay Commission. Thus, when original T.A.1585 of 1986 was filed, there was no occasion for the present respondents to pray for restructuring. Thus, Order 2 Rule 2 of the CPC has no role to play in the instant case. The argument sans substance.

13. Learned Tribunal's order is based on principle of parity and therefore, we find no reason to disturb it merely because Railway administration took a decision belatedly on 11.01.2024. Once the parity exists, it should exist from the date Tribunal ordered. We find no reason to take a different view. Since the Tribunal has taken a plausible view, interference is declined. The petition is **dismissed**.

14. Urgent Photostat certified copy of this judgment, if applied for, be given the parties upon compliance of all necessary formalities.

(Sujoy Paul, A.C.J.)

I agree.

[Chaitali Chatterjee (Das), J.]