

19.11.2025
Item No.86
Ct. No. 1
KS

WP.CT 182 of 2023
+
I.A. No. CAN 1 of 2024

Kamal Kumar Pandit
Vs.
Union of India & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Ms. Shanti Das
Mr. R. D. Bhowmik

.....For the Petitioner

Mr. Partha Ghosh
Mr. Amal Kumar Datta

.....For the Union of India

PER, PARTHA SARATHI SEN, J.:

In Re. I.A. No. CAN 1 of 2024

1. On behalf of the respondents, one affidavit-in-opposition is filed in Court and the same be taken on record.
2. At the time of hearing, learned counsel appearing on behalf of the petitioner submits before this Court that she is not pressing I.A. No. CAN 1 of 2024.
3. In view of such, I.A. No. CAN 1 of 2024 is dismissed as non-prosecution.

In Re. WP.CT 182 of 2023

4. This writ petition has been filed under Article 226/227 of the Constitution of India impugning the order dated 04.05.2023 as passed in O.A.

No.350/00046/2020 by the Central Administrative Tribunal, Kolkata Bench, Kolkata (hereinafter referred to as the “said Tribunal”).

5. On a careful perusal of the order impugned it reveals that the writ petitioner/original applicant approached the said Tribunal with a prayer for regularization of his service alongwith other ancillary reliefs.
6. It is placed on record that during the pendency of the said original application, the writ petitioner was discontinued from service.
7. While passing the order impugned, the Tribunal noticed such fact and came to a finding since the writ petitioner/original applicant is no longer working in the Postal Department and thus, the question of his regularization in such service does not arise and with such finding, the said original application was dismissed.
8. At the time of hearing, Mr. Bhattacharya, learned senior counsel duly assisted by Ms. Das, learned advocate, appearing on behalf writ petitioner at the very outset draws our attention to the orders dated 27.09.2023, 06.12.2023 and 20.12.2023 as passed by

a Co-ordinate Bench of this Court. It is submitted on behalf of the writ petitioner/original applicant that from the said orders of the Co-ordinate Bench it would reveal that during the pendency of the instant writ petition, the writ petitioner was allowed to join as a daily rated Mazdoor in the Postal Department and he is at present working as such.

9. It is argued by Mr. Bhattacharya that since the Tribunal in the impugned order had returned its finding based on the fact that the writ petitioner is no longer working in the Postal Department, on account of change of situation the instant writ petition may be allowed and the matter may be remanded back to the Tribunal for consideration of the prayer of the writ petitioner/original applicant afresh.

10. Such prayer is vehemently opposed by Mr. Ghosh, learned counsel appearing on behalf of the respondents. It is submitted by Mr. Ghosh that from the aforementioned orders, as passed by the Co-ordinate Bench, the writ petitioner/original applicant cannot claim any equity.

11. It is further argued by Mr. Ghosh that there were no materials before the Tribunal for considering the prayer of the writ petitioner for regularization of his service.

12. It is further contended by Mr. Ghosh that on account of not pressing the interlocutory application being, I.A. No. CAN 1 of 2024 by the writ petitioner, the subsequent events as brought to the notice of this Court by affidavit as filed today could not be placed.

13. It is thus submitted by Mr. Ghosh that this is a fit case for dismissal of the instant writ petition.

14. On careful consideration of the entire materials as placed before us and after hearing the learned counsels for the contending parties it appears to us that indisputably, the writ petitioner approached the said Tribunal by filing the original application for regularization of his service since, according to him, he was in service in the Postal Department for a considerable length of time though with a time gap.

15. We have noticed that during the pendency of the said original application, the writ

petitioner/original applicant was discontinued from service.

16. . From the order impugned it reveals that the said Tribunal while disposing the said original application had taken note of such fact and thus declined to entertain the said original application by holding that at that material point of time, the original applicant, who is the writ petitioner before us is no longer working in the Postal Department.

17. Since from the aforementioned earlier orders, we have noticed that the present writ petitioner/original applicant is now working as a Daily Rated Mazdoor at Battala Post Office, we consider that the prayer, as made by the writ petitioner in the original application deserves to be adjudicated on merit.

18. With such finding, we set aside the order dated 04.05.2023 as passed by the said Tribunal in O.A. No.350/00046/2020.

19. We remand the matter back to the Tribunal for adjudication afresh.

20. Before parting, it is, however, made clear that while disposing of the instant writ petition, we have not

gone into the merits of the said original application and therefore, all points including the points of maintainability of the said original application are kept open.

21. With the aforesaid observation, WP.CT 182 of 2023 is disposed of.

22. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)