

06.03.2026
Item Nos.36 & 37
Ct. No.1
KS

WP.CT 39 of 2026
With
I.A. No. CAN 1 of 2026
Union of India & Ors.
Vs.
Samrat Sarkar
+
WP.CT 40 of 2026
Union of India & Ors.
Vs.
Nima Sherpa

Mr. Moti Sagar Tiwari, Sr. Adv.

Mr. Ravindra Tiwari

Ms. Soumili Paul

Mr. Ravi Ranjan Kumar

.....For the Petitioners

Mr. Ujjal Ray

.....For the Respondents

PER, SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsel.
2. With the consent of the parties, matters are finally heard.
3. The singular point raised by learned counsel for petitioners/Department is that the matters were taken up, for the first time, by the Tribunal on admission and on that date, counsel appearing therein prayed for time to seek instructions. The Tribunal did not grant time and almost,

allowed the O.A.s on the same date. Thus, Department was deprived to obtain instruction and put forth its defense in an effective manner. If opportunity would have been granted, the Department would have shown the correct facts and the enabling provision of freezing the account (if any).

4. Sri Roy, learned counsel for the respondents supported the order and submits that neither there exists any enabling provision to freeze the account of the employee nor there exists any justification in not paying the entire pay and allowances minus subsistence allowance beyond 23.07.2025.
5. In our opinion, even if, the original applicant has a good case, in the interest of justice, the Department deserved some time to obtain instruction to satisfy the Tribunal about its stand. The interference can be made when the procedural impropriety is palpable on the face of the record. In the instant case, learned Tribunal decided the entire matter without

considering a genuine prayer of Department for obtaining instructions. Justice is not only to be done, it must appear to be done. Invoking this principle, we deem it proper to set aside the orders dated 21.10.2025 passed in O.A. No.352/1475/2025 and O.A. No.352/1481/2025.

6. Accordingly, the said orders are set aside. The O.A.s are restored to its original number and file. The Registry of Tribunal shall list these matters within 15 days from the date of production of copy of this order before the Bench to enable the Bench to consider the prayer for interim relief.
7. With aforesaid and without expressing any opinion on merits, petitions are disposed of.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(AJAY KUMAR GUPTA, J.)