

13.05.2026
Item No.34
Ct. No. 1
RP

WPCT 85 of 2026

**Union of India & Ors.
VS.
Koushik Pramanik**

Mr. Swapan Kumar Nandi
Mr. Rajesh Kumar Shah
... For Petitioners
Mr. Anirban Datta
... For Respondent

Dictated by SUJOY PAUL, CJ.:-

1. Parties are represented through their respective learned counsels.
2. With consent finally heard.
3. At the outset, the learned counsel for the petitioners/department submits that similar WPCT 8 of 2026 came up for hearing before this Court wherein similar order of the Tribunal like impugned order passed in the instant case in OA 350/00752/2024 dated 28.10.2025 was called in question.
4. During the course of hearing, the parties in the said case reached to a consensus and in view of that consensus, WPCT 8 of 2026 was

disposed of by modifying the impugned order of the Tribunal. It is jointly prayed that similar order may be passed.

5. Learned counsel for the respondent submits that he has no objection if the present writ petition, being WPCT 85 of 2026, is disposed of in the same line WPCT 8 of 2026 was disposed of on 8.5.2026.
6. On a specific query from the Bench he submits that upon instructions, he gives similar consent and, accordingly, in terms of the order passed in WPCT 8 of 2026 this petition may be disposed of.
7. In view of consensus arrived at, this petition is disposed of in terms of the order dated 8.5.2026 passed in WPCT 8 of 2026. The operative portion of the said order reads as follows.

“3. During the course of hearing learned counsel for the parties in view of the order dated

31.3.2026 made their submission. It is agreed that the present petition may be disposed of by upholding the order of the Central Administrative Tribunal dated 11.3.2025 passed in OA 350/203/2024 to the extent the Tribunal applied the principle of wedding out the faulty and interfered with the order. The parties during the course of hearing agreed that the impugned order of the Tribunal may be modified by holding that if the employees, whose APARs were not evaluated by the competent authority or its contains some other deficiencies and upon reconsideration the said employees acquired more marks than the present respondents, liberty may be given to the department to consider more meritorious candidates. It is agreed that the entire exercise may be directed to be completed within ninety days from the date of production of a copy of this order.

4. Thus, the order of the Tribunal dated 11.3.2025 is modified to the extent that if the employees, whose APARs were not evaluated by the competent authority and upon reconsideration if they acquire higher marks than the present respondents, the department will be at liberty to select more meritorious candidates in view of the fact that the posts are limited. To this extent, the department will be at liberty to pass appropriate order. To the aforesaid extent, the order of the Tribunal stands modified.

8. The impugned order of the Tribunal dated 28.10.2025 passed in 350/00752/2025 is modified to similar extent and order passed in WPCT 8 of 2026 shall apply to the instant case *mutatis mutandis*.

9. This petition is, thus, disposed of.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)