

April 20, 2026
Sl. No.34
Court No.1
s.biswas

WPCT 86 of 2026

Union of India and another
vs.
Asim Ghosh and others

Mr. Dhiraj Kumar Trivedi, Sr. Adv./DSGI
Mr. Swapan Kr. Nandi
Mr. Guddu Singh
Ms. Swapna Jha
Ms. Katha Sarkar
Ms. Divyanshi Shaw
... for the petitioners/ Union of India
Mr. Ujjal Ray
Mr. Atreya Chakraborty
... for the respondents

Dictated by Sujoy Paul, C.J.

1. Parties are represented through their respective learned counsel.
2. The challenge is mounted to the order dated 25.03.2026 passed by learned Central Administrative Tribunal, Kolkata in O.A. 1718 of 2025, whereby the Tribunal directed that its order dated 07.03.2024 passed in O.A. 758 of 2023 be complied with by next date of hearing, *failing which* the respondent no.1

respondent no.1 therein was directed to remain present before the court.

3. During the course of hearing, learned counsel for the petitioners/Union of India stated that facts mentioned in the impugned order of Tribunal dated 25.03.2026 are not in dispute. The original applicants succeeded in O.A. 758 of 2023 and said order was unsuccessfully challenged by the Railway Administration before the High Court and the Supreme Court. The SLP was dismissed on 26.09.2025. Before that, an undertaking was given before the Tribunal by Railway Administration on 05.09.2025, which reads as under:

*“The Competent Authority (PCPO/ER) has decided to implement the order of the Hon’ble CAT, Kolkata passed in No.758/2023 dated 07.03.2024, in the case of Sri Asim Ghosh & 05 others vs. Union of India & Ors **as personam basis**. The Ld. Tribunal directed that the applicants’ pay be enhanced by 55% as an add-on element instead of the earlier 30%, and their pensions revised accordingly. Arrears arising out of such revision shall also be paid, **subject to the final outcome of SLP (Diary No.48855/2025)** pending before the Hon’ble Apex Court.*

....

*Accordingly, the order of the Hon'ble CAT/Kolkata dated 07.03.2024 shall be implemented **in personam** basis subject to final outcome of the SLP as above mentioned."*

4. The SLP was dismissed, but said undertaking was not implemented. Considering these aspects, the Tribunal directed that the original order passed on 07.03.2024 be implemented failing which the respondent no.1 shall remain present.
5. Mr. Trivedi, learned Senior Counsel, upon receiving instructions, submits that the General Manager, Eastern Railways will ensure that the competent authority will issue an order by tomorrow (i.e. by 21.04.2026) implementing the order passed in O.A. 758/2023. The said order shall remain subject to final outcome of a curative petition of employer pending before the Supreme Court.
6. Subject to aforesaid condition, Mr. Trivedi submits that General Manager's personal presence before the Tribunal may be exempted.

7. Mr. Ray, learned counsel for the respondents submits that order of the Tribunal is clear and unambiguous.
8. We have heard that parties on this aspect.
9. The impugned order of Tribunal makes it clear that the personal appearance of General Manager is directed only when order of Tribunal dated 07.03.2024 is not complied with. Once an undertaking is given today that said order will be complied with subject to outcome of curative petition and Tribunal itself made it clear about presence with “failing which condition”, we find no reason to give any further order. We are inclined to observe that Tribunal itself has made it clear that if order is not complied with, the General Manager shall remain present. Once it is decided to file an undertaking showing compliance of order of the Tribunal dated 07.03.2024, the personal appearance of General Manager may not be necessary before the Tribunal.

10. With the aforesaid observation, the petition is disposed of.

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

(Sujoy Paul, C.J.)

[Chaitali Chatterjee (Das), J.]