

March 30, 2026  
Sl. No.36  
Court No.1  
s.biswas

WPCT 174 of 2024

*Suresh Chandra Patra*  
*vs.*  
*The Union of India and others*

Mr. Sanjib Kumar Mukhopadhyay  
Mr. Timir Kanti Biswas  
... for the petitioner  
Mr. Bhudeb Chatterjee  
... for the respondents

Dictated by Sujoy Paul, C.J.

1. Mr. Sanjib Kumar Mukhopadhyay, learned counsel for the petitioner and Mr. Bhudeb Chatterjee, learned counsel for the respondents, are present.
2. The petitioner challenged the speaking order dated 04.05.2023 before the Tribunal whereby an amount of Rs.28,165/- is quantified as an amount towards provident fund for the period 08.08.1978 to 06.05.2005. In the original application the petitioner challenged the correctness of such determination of amount and stated that the statement mentioned in the speaking order is not correct statement. The Tribunal without inviting affidavit-in-opposition dismissed

the petition on the ground that all dues have been received by the petitioner. The petitioner submits that the Tribunal has not applied its mind on the pleadings and has not assigned any reason as to why challenge to the correctness of speaking order dated 04.05.2023 should fail.

3. Learned counsel for the Railway Administration supported the order and fairly submitted that no affidavit-in-opposition was filed before the Tribunal.

4. We have heard the parties. We find substance in the argument of learned counsel for the petitioner that if legality, validity, correctness and propriety of rejection order dated 04.05.2023 was challenged before the Tribunal, the minimum expectation from the Tribunal was to examine those grounds while affirming the order dated 04.05.2023. Since such reasoning is totally missing, we deem it proper to set aside the impugned order dated 29.02.2024 and restore the Original Application no.350/826/2023 to

its original file and number. Liberty is reserved to Railway Administration to file affidavit-in-opposition wherein all possible grounds can be taken. The matter is remitted back to the Tribunal with the request to hear and decide it afresh, in accordance with law.

5. The petition is disposed of without expressing any opinion on merits.

**(Sujoy Paul, C.J.)**

**(Partha Sarathi Sen, J.)**