

11.05.2026
Court No.13
Item No. 6
pk

FMA 337 of 2026
CAN 2 of 2025
CAN 3 of 2025

The Union of India and others
Vs.
Sri Ajay Tiwari and others

Mr. Asoke Kumar Chakrabarti,
Mr. Ajit Kumar Mishra,
Mr. Tapan Bhanja
... for the appellants.

Ms. Malabika Saha
... for the respondent no. 6.

Mr. Brijendra Pratap Singh
... for the applicant in CAN 3 of 2025.

1. The appeal is directed against a judgment and order dated 16th May, 2025 passed by a Single Bench of this Court. It appears that pursuant to earlier proceedings before this Court a reference was directed to be made by the Central Government to decide as to whether the respondent workman were contractual employees or otherwise deemed permanent employees of the Rifle Factory, Ichapur.

2. During pendency of the reference, the workman claimed before the Single Bench that the services of some of them ought not to have been discontinued and the conditions of work of others cannot be altered.

3. This Court firstly notes that the writ petition ought not have been entertained since the workman have already availed statutory remedies and the same was pending adjudication in a reference before

the CGIT at Kolkata and all any disputes or differences with regard to the entitlement for continued employment, the status of the workman and alteration of condition of services before the Tribunal should have been raised before the Tribunal. The Single Bench therefore erred in entertaining the writ petition which was the subject matter of a pending reference, even if the Tribunal was not functioning. The ultimate award that the Tribunal may address both the concerns of the employees as well as the employer.

4. The impugned judgment was therefore rightly stayed by the Co-ordinate Bench at the time of admission or soon thereafter.

5. It is submitted by Mr. Asoke Kumar Chakraborti, learned Senior Advocate and Additional Solicitor General that the award has since been passed. It has been requested to be published in the Gazette as expeditiously as possible. The writ petition would have become infructuous even otherwise.

6. Having regard to the discussions made herein above, the impugned order dated 16.05.2025 shall stand set aside.

7. The parties may avail any remedy against the award, as and when it is published.

8. Accordingly, FMA 337 of 2026 is allowed. Consequently, all pending applications are also disposed of.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)