WBCHCA0360902026

SL. No. 9
PG/Ct.No.1

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
WP.CT. 170 of 2026

1. UNION OF INDIA, SERVICE THROUGH THE
   GENERAL MANAGER, EASTERN RAILWAY,
   FAIRLIE PLACE,
   17, NETAJI SUBHAS ROAD,
   KOLKATA-700001.

2. THE CHIEF PERSONNEL OFFICER,
   EASTERN RAILWAY,
   FAIRLIE PLACE,
   17, NETAJI SUBHAS ROAD,
   KOLKATA-700001.

3. THE DIVISIONAL RAILWAY MANAGER
   EASTERN RAILWAY,
   SEALDAH, DRM BUILDING
   KOLKATA-700014.

4. THE SENIOR DIVISIONAL
   PERSONNEL OFFICER ,
   EASTERN RAILWAY,
   SEALDAH DIVISION,
   SEALDAH,
   KOLKATA-700014 ….**Petitioners**

Versus

1. SRI GAUTAM PAUL,
   SON OF LATE PANCHUGOPAL PAUL
   AGED ABOUT 65 YEARS
   (i.e. date of birth is 03.06.19058

retired Superannuation on 30.06.2018)
worked as Unapproved Substitutes as
Porter, KLYG, under SENIOR
DIVISIONAL PERSONNEL OFFICER,
EASTERN RAILWAY,
SEALDAH DIVISION,
RESIDING AT
44/33, RABINDRA PALLY,
RAY BAHADUR ROAD,
POST OFFICE-NAIHATI,
POLICE STATION-JAGATDAL,
DISTRICT-NORTH 24 PARGANAS,
PIN-743165, SUBJECT RETIREMENT
BENEFITS, GROUP-D,
MOBILE NO. 9874752995
E-MAIL-biswastimirkanti 1964@gmail.com……. **Respondent**

2. HEAD MASTER
MURAGACHHA HIGH SCHOOL(HS)
POST OFFICE- MURAGACHHA,
DISTRICT-NADIA,
PIN-741154
WEST BENGAL. ….**Proforma Respondent**

Mr. Swapan Nandi,
Ms. Rini Bhattacharya.
Ms. Naaz Parveen ... Advocates for the Petitioners

Mr. Ujjal Ray
Mr. Timir Kanti Biswas,
Ms. Pallabi Pal …… Advocates for Respondent No.1

Mr. Uttam Kr. Bhattacharya
Mr. Kaustav Mishra …..Advocates for Respondent No.2

CORAM: RAVINDRA V. GHUGE, CJ
&
OM NARAYAN RAI, J.

DATE: OCTOBER 6, 2026

ORAL JUDGEMENT (Per RAVINDRA V. GHUGE, CJ)

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioners before us are the Union of India and the Eastern Railway, who were Respondents before the learned Central Administrative Tribunal, Kolkata Bench, in O.A. No. 350/1282/2023 filed by the Respondent Original Applicant (Respondent no. 1 herein), who had sought pensionary benefits on the ground of having completed 10 years in employment as a substitute. The O.A. was allowed by the impugned Judgment dated 12.02.2026.

3. The Petitioners have, therefore, put forth the following prayers:

> *a) Issue a writ of Mandamus thereby directing to set aside the Judgment and Order as passed on dated 12.02.2026 by the learned Central Administrative Tribunal, Kolkata Bench, in connection with Original Application No.350/1282/2023 (Sri Gautam Paul -vs- The Union of India & others).*
>
> *b) Issue a writ of Mandamus thereby directing to stay the operation of the Judgement and Order as passed on dated 12.02.2026 by the learned Central Administrative Tribunal, Kolkata Bench, in connection with Original Application No.350/1282/2023 (Sri Gautam Paul -Vs- The Union of India and Others.)*

4. The learned Advocate for the Petitioners has strenuously criticised the impugned Judgment, as being perverse and erroneous. According to him, the Original Applicant's school certificate was found to be bogus on 12.05.2021, after he had superannuated from employment on 30.06.2018. Hence, he cannot be granted regularisation.

5. Having considered the strenuous submissions of the parties, we find that this case rests on a very short issue. Whether the Original Applicant was entitled for pensionary benefits after completing 1 year as a 'substitute to a Porter'? Nevertheless, he had put in 29 years in employment from June 1989 till 30.06.2018.

6. Learned Counsel for the Petitioners strenuously harped upon the aspect of the purported bogus school certificate, on the basis of a communication dated 12.05.2021, issued by the school stating that the Original Applicant was not a *bona fide* student of the institution. Based on such communication received after 3 years of the superannuation of the Employee, the Petitioner Railways have taken a stand that he is not entitled for pension.

7. Earlier, the Original Applicant Employee was before the

Tribunal in O.A. 1509 of 2014, being aggrieved by the fact that the Railways were not screening him in order to clear his proposal for regularisation in service.

8. There is no dispute that the Original Applicant was working as a substitute-Porter and having attained the status of a temporary, he was on his way to gaining regularisation, but for the screening to be done by the Railways. The Tribunal passed a short order on 18.01.2016, concluding that if the Railways desire to complete the screening process so as to complete the process for regularisation of service, they may carry out an investigation in the school certificate within 3 months. The learned Advocates for both the parties, who were before the Court, had addressed the Tribunal and the Judgment was pronounced by the Tribunal on 18.01.2016.

9. After 5 years, on 07.04.2021, the Railways addressed a letter to Senior DPO, Eastern Railway for verification of the Applicant's school certificate. The Headmaster communicated to the Senior Divisional Personnel Officer of the Eastern Railway by communication dated 12.05.2021, stating that the Applicant Employee was not a *bona fide* student of the institution.

10. The Railways have harped upon the above aspect to the hilt. According to them, because the school certificate of the Applicant may have turned out to be false, the entire service of the Original Applicant, from 1989 to 2018 (29 years), should be wiped out and no pension should be paid. We are surprised by this stand taken by the Railways. When the educational qualification of the Applicant is not relevant to decide as to whether a substitute having worked for more than 1 year under the Rules was entitled for pension or not, the certificate becomes insignificant.

11. The Applicant was working as a substitute for a Porter. We have read the Master Circular No. 20, which pertains to substitutes. The Railways are unable to point out even a single clause from the said Circular, which would indicate the requirement of a minimum educational qualification that a Porter substitute should have. It requires no debate as to the nature of work being performed by a Porter or a Porter substitute. When no educational qualification is prescribed, it is immaterial as to whether the Original Applicant holds a genuine educational certificate or not, for deciding his claim for pension under the Railway Services (Pension) Rules, 1993.

12. Rule 18 of the 1993 Rules indicate the rights of a

temporary Railway Servant. The Original Applicant indisputably has rendered temporary service of not less than 10 years. He was working as a Porter-substitute. Clause 2301 below Chapter-XXIII, sets out the Terms and Conditions Applicable to Railway Servants and Substitutes in Temporary Service. Section A -Non-Gazetted Staff -(i) Temporary Railway Servants- Definition- A, defines a 'temporary railway servant' as, a railway servant without a lien on a permanent post on a Railway or any other administration or office under the Railway Board. The term does not include 'casual labour' 'a contract' or 'part-time' employee or an 'apprentice'.

13. Clause 2315 (ii) defines a Substitute, to be a person engaged in Indian Railway Establishments on regular scales of pay and allowances applicable to posts against which he is employed.

14. Clause 2318 indicates the rights and privileges admissible to the Substitutes. It is prescribed that substitutes should be afforded all the rights and privileges as may be admissible to temporary railway servants.

15. Rule 18 of the 1993 Rules (1) provides that a temporary Railway Servant, who retires on superannuation (or any other

conditions explained therein), after rendering temporary service of not less than 10 years, shall be eligible for grant of superannuation retirement gratuity and family pension.

16. The Applicant before us is not seeking regularisation in the present proceedings. His regularisation was truncated because he was not screened by the Employer, for want of a school certificate. He has only relied upon the above stated Rules in order to be held eligible for pension since he had completed 10 years in temporary service.

17. In view of the above, we do not find that the Tribunal has committed any error. The impugned order cannot be branded as being perverse or illegal.

18. **This Petition, being devoid of merit, is dismissed**.

19. **Rule discharged.**

(OM NARAYAN RAI, J.) **(RAVINDRA V. GHUGE)**
CHIEF JUSTICE