

February 23, 2026  
Sl. No.20  
Court No.1  
s.biswas

WPCT 278 of 2024

*Goutam Kumar Ghosh and others*  
*vs.*  
*Union of India and others*

Mr. Ujjal Ray  
Mr. A. Chakraborty  
... for the petitioners  
Ms. Chandreyi Alam  
Ms. Runu Mukherjee  
... for the Union of India

Per, Sujoy Paul, C.J.

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. Mr. Ujjal Ray, learned counsel for the petitioner and Ms. Chandreyi Alam, learned counsel for the Union of India, are heard on admission.
3. This petition filed under Article 226/227 of the Constitution of India assails the order of Central Administrative Tribunal, Kolkata Bench (the Tribunal) dated 28<sup>th</sup> February, 2024 passed in O.A. 350/502/2016, whereby following prayers of the petitioners/applicants were declined:

*“(a) Leave may kindly be granted to the applicants to move this application jointly in common cause under Section 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1985;*

*(b) To issue appropriate Writ or Direction upon the respondents to complete the process for General Departmental Competitive Examination for filling up the vacancies in 25% direct recruitment quota from the serving employees initiated by the respondent authorities by the notification dated 5<sup>th</sup> December, 1997 for the South Eastern Division of the South Eastern Railway with consequential letter of engagement/appointment upon completion of the process of the said General Departmental Competitive Examination;*

*(c) To produce the connected departmental records at the time of hearing;*

*(d) Any other order and/or orders as to this Learned Tribunal may deem fit and proper.”*

4. Mr. Ray informed that the entire grievance was in relation to examination for which a notification was issued wayback on 5<sup>th</sup> December, 1997. The petitioners prayed that the process of selection pursuant to said notification dated 5<sup>th</sup> December, 1997 was completed.

5. The petitioners have the same grievance and relief filed first in O.A. 969 of 2011 which was posted for hearing on admission before the Tribunal on

09.11.2012. The Tribunal declined admission and dismissed the said petition.

6. The petitioners filed another O.A. 350/05/2014 which was decided on 05.08.2015. The Tribunal came to hold that a communication dated 12.09.2014 reproduced in the said order gives a fresh cause of action to the present petitioners. Accordingly, the Tribunal disposed of the O.A. by directing the petitioners to prefer a representation for their grievance and in turn, directed the department to pass appropriate order within 2 months.

7. In turn, Mr. Ray informed that speaking/appropriate order dated 30.10.2015 (page no.237 of the petition) was issued declining desired relief to the petitioners.

8. Mr. Ray submits that second order of the Tribunal gives fresh cause of action to the petitioners and therefore in the instant round of litigation, the Tribunal should not have dismissed the petition on the ground that it is filed after long passage of time

and in the meantime, the new selection had taken place.

9. *Per contra*, Ms. Alam, learned counsel for the department supported the impugned order.

10. We have heard the parties at length on admission. A plain reading of the order of the Tribunal in the second round in O.A. 350/05/2014 dated 05.08.2015 shows that a speaking direction was issued to decide the representation. The department in obedience of Tribunal's order passed a speaking order rejecting the claim of the petitioners on 30.10.2015. This rejection order was not called in question in the relief clause of O.A. 350/502/2016. In our opinion, in absence thereof there was no occasion for the Tribunal to examine the legality, validity and propriety of the rejection order as well as the action/inaction in not completing the selection process initiated pursuant to notification dated 5<sup>th</sup> December, 1997.

11. In addition, it is noteworthy that the Tribunal recorded a fresh recruitment process was initiated in the year 2017 which was completed in the year 2018.

12. The petitioners are trying to ride a dead horse. The petitioners did not challenge the rejection order in the instant O.A. Apart from that, a new selection process, as noticed above, was initiated and completed. In this backdrop, in our view, the Tribunal has taken a plausible view that no purpose would be served in interfering with the matter after long passage of time.

13. We deem it proper to give our stamp of approval to the said plausible view of the Tribunal. Thus, admission is declined. Petition is **dismissed**.

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

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