

13.01.2026
Item No.31-34
Ct. No.01
RP

WPCT 239 of 2025

**Union of India & Ors.
Vs.**

Manik Dutta

With

WPCT 240 of 2025

**Union of India & Ors.
Vs.**

Kalipada Singha Roy

With

WPCT 241 of 2025

**Union of India & Ors.
Vs.**

Sri Lalu Sardar & Ors.

With

WPCT 242 of 2025

**Union of India & Ors.
Vs.**

Ajoy Kumar Sardar

Mr. Srinjoy Das

...For Petitioners

Mr. P.C. Das

Mr. Anurag Chatterjee

...For Respondents

PER, SUJOY PAUL,ACJ.:

1. Parties are represented through their respective learned counsels.
2. Regard being had to the similitude of questions involved, on the joint request of the parties, these matters are finally heard and decided by this common order.

3. Learned counsels for the parties fairly submitted that all the impugned orders passed in this batch of writ petitions are similar in nature.
4. The first and foremost ground taken by the learned counsel for the petitioners/Department is that earlier one Mr. K. Chakraborty, learned advocate was representing the employer in this batch of matters before the learned Tribunal. However, on 31.01.2025 he informed the Tribunal that on 27.01.2025 he had already returned the briefs to the Department to enable the Department to engage a new lawyer. The learned Tribunal although recorded the said statement of Mr. K. Chakraborty but proceeded to hear the matters finally and decided the batch of applications by impugned similar orders. Thus, it is submitted that the learned Tribunal has not assigned any reason as to why some breathing time should not have been granted to the Department to engage a new lawyer. The Tribunal did not reject the prayer of Mr. K. Chakraborty, learned advocate for the

Department and heard the matters ex parte and passed the impugned orders. For this technical reason alone the impugned orders may be set aside and the matters may be sent back for final hearing. He undertakes that the Department will immediately engage a new lawyer and will not seek any adjournment before the Tribunal.

5. Mr. Das, learned advocate for the respondents on the other hand opposed the prayer by contending that the matters before the Tribunal were all of the year 2012 and the old matters were decided to be heard with priority in view of administrative orders of the Hon'ble Chairman of Central Administrative Tribunal. The litigants, who were waiting for decision for more than a decade, were entitled to get the judgment at the earliest in view of legislative intent behind bringing Administrative Tribunals Act, 1985.
6. We have heard the parties on this preliminary point. It is not in dispute that Mr. Chakraborty, learned advocate for the

department sent a letter to the Department on 27.01.2025, being Annexure P-8, informing that for compelling reasons he is returning the brief to enable the Department to engage a new advocate. The Tribunal recorded this contention in the order dated 31.1.2025, which reads thus.

“Ld. Counsel Mr. K. Chakraborty who was appearing for the respondents has submitted that he will not appear in this matter any more. He further submits that he has already sent a communication to the authority to take back the brief from him. Therefore, he will not appear henceforth for CSIR in this matter.”

7. On careful reading of this order of learned Tribunal makes it clear that the Tribunal was indeed informed by the learned advocate appearing for the Department that he had returned the briefs to the Department and, therefore, he is unable to appear henceforth for CSIR. In this backdrop, the Tribunal either should have put the employer to fresh notice or at least should have been granted some reasonable time to enable the Department to engage a new advocate. More so, when briefs

were returned by the counsel few days back on 27.01.2025 the Tribunal had another option to reject the prayer for adjournment by assigning justifiable reasons. The Tribunal has not chosen to opt either of the said course. If an adjournment sought for and inability to argue the matter is shown to the Court/Tribunal and if the Court/Tribunal is not satisfied with the reasons assigned, it can reject the same by assigning reasons therefor. In absence of reason, there was no justification to hear the petitioner therein and reserve the matters for orders. In this backdrop, we are unable to countenance the order dated 31.01.2025 and consequential impugned order dated 25.04.2025 in all the matters. These orders are set aside. Resultantly, the applications, being nos.O.A.350/181/2012, O.A.350/1776/2018, O.A.350/1483/2018 and O.A.350/1357/2016, are restored to their original file and number. The Tribunal is requested to re-hear the parties and decide the matters afresh in accordance with law.

8. It shall be the duty of CSIR to engage a lawyer for which no further notice will be required to be issued by the Tribunal. As per stand of counsel for CSIR, the Department will not ask for any adjournment before the Tribunal. The Tribunal is requested to hear and decide the matter within two months from the date of production of a copy of this order.
9. With the aforesaid and without expressing any opinion on merits, these writ petitions are disposed of. Connected applications, if there be any, are also disposed of.
10. Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

[SUJOY PAUL, ACJ.]

[PARTHA SARATHI SEN, J.]