

12.05.2026
Item No.39
Ct. No.1
KS

WP.CT 350 of 2024
With
I.A. No. CAN 1 of 2025
Samar Kumar Mandal & Ors.
Vs.
Union of India & Ors.

Mr. Bharat Bhushan
Mr. Atindranath Misra
Mr. Tamal Mondal

.....For the Petitioners

Mr. B. Pratap Singh
Mr. N. P. Gupta

.....For the Union of India

DICTATED BY SUJOY PAUL, CJ.:

In Re. I.A. No. CAN 1 of 2025

1. Parties are represented through their respective learned counsel.
2. With the consent of the parties, matter is finally heard.
3. The application is not pressed and liberty is prayed for to file appropriate proceeding before the Tribunal. The other side has no objection, in this regard.

4. Accordingly, I.A. No. CAN 1 of 2025 is disposed of with the liberty, as prayed for.

In Re. WP.CT 350 of 2024

5. The challenge is mounted in this petition filed under Article 226/227 of the Constitution of India to an order of Central Administrative Tribunal (Tribunal) Kolkata dated 31.08.2023 passed in O.A. No.131 of 2017. The fourth paragraph of the impugned order shows that Tribunal has not adjudicated the matter on merits. Instead, the Tribunal has decided the O.A. by assuming that the matter is covered by previous decision passed in another O.A. filed by similarly situated persons. Order passed in said O.A. got a stamp of approval from this Court in WP.CT 81 of 2019.
6. Learned counsel for the petitioners submits that the assumption on the part of Tribunal is factually incorrect and legally improper. The Tribunal ought to have examined the aspect of

similarity before dismissing the petition by treating it to be similar.

7. The other side raised formal objection.
8. In the opinion of this Court, the argument of learned counsel for petitioners has substantial force. The impugned order shows that the Tribunal has not even taken pains to mention the case number of another O.A., which in the opinion of Tribunal was filed by similarly situated candidates. This was the minimum requirement when a judicial order is passed treating another petition as similar to the previous one. Apart from this, as rightly pointed out, there is no application of mind on the merits of the case and under the assumption of similarity, O.A. was disposed of.
9. Resultantly, the order dated 31.08.2023 passed in O.A. 131/2017 (Kolkata) is set aside. The O.A. is restored to its original number for adjudication on merits.

10. Considering the nature of grievance of petitioners, we are inclined to observe that the Tribunal will make endeavour to decide the O.A. expeditiously.

11. Accordingly, the petition is disposed of.

12. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)