

May 19, 2026  
Sl. No.17 & 18  
Court No.1  
s.biswas

WPCT 101 of 2026

*Union of India and others*  
*vs.*  
*Biman Banerjee*

*WITH*

WPCT 105 of 2026

*Ajay Kumar Sinha and others*  
*vs.*  
*Biman Banerjee*

Mr. Ashok Kr. Chakraborti, ASG  
Mr. Rabindra Nath Bag, Sr. Adv.  
Ms. Mary Datta  
Mr. Piyas Choudhury  
... for the petitioners/Union of India  
Mr. Mrinal Kanti Bandopadhyay  
Ms. Nargish Parveen  
... for the respondent

Dictated by Sujoy Paul, C.J.

1. Affidavit of service filed by the petitioners is taken on record.
2. Mr. Ashok Kr. Chakraborti, learned ASG for the petitioners/Union of India and Mr. Mrinal Kanti Bandopadhyay, learned counsel for the respondent, are present.
3. Learned counsel for the petitioners submits that in WPCT 101 of 2026, the subject matter of challenge by the

applicants therein in OA 350/35/2019 was a speaking order dated 14.09.2018, Annexure P-4 passed pursuant to the direction issued by the Tribunal in the previous round i.e. O.A. 439/2013. By taking this court to the said speaking order, it is submitted that apart from other reasons assigned on merits, a specific ground was taken by the employer that there exists an “economic ban”. Therefore, it is submitted that during the pendency of ban, the Tribunal was not justified in directing the department to treat the applicants therein as eligible and proceed with the selection.

4. In connected WPCT 105 of 2026, the subject matter of challenge is the orders passed by the Tribunal in contempt petition being CP 43 of 2025 arising out of O.A. 35/2019. It is submitted that the Tribunal in the impugned order dated 30.07.2024 passed in O.A. 35/2019 did not set aside the speaking order dated 14.09.2018 and did not assign any reason

whatsoever in relation to the stand of the employer about existence of “ban” on recruitment.

5. This order of Tribunal is vulnerable. The department is ready to argue the matter finally immediately after the ensuing summer vacation, on a fixed date and time. Till such time, departmental authorities/proposed contemnors may be protected in the contempt proceedings pending before the Tribunal.
6. Learned counsel for the respondent applicant agreed for hearing at an early date on a fixed time.
7. Thus, as agreed, list this matter for final hearing on 7<sup>th</sup> July, 2026 at 2:00 p.m.
8. Considering the aforesaid and as an interim measure, it is directed that till further orders, the Tribunal shall not proceed against the departmental officers in contempt petition being C.P. 43 of 2025 arising O.A. 35 of 2019.
9. Learned advocate on record for the petitioners is at liberty to communicate

the server copy of today's order to the learned Tribunal.

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

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