

20.07.2026
Item No.05
Court No.01
Avijit Mitra

WP.CT 139 of 2026

**Union of India & ors.
- Versus -
Sri Ashok Saha & ors.**

Mr. Shiv Chandra Prasad,
Ms. Debjani Ghosal
....for the petitioners
Mr. P.K. Bhowmick
....for the respondents

The present writ petition has been preferred by the Union of India and its functionaries challenging an order dated 2nd April, 2026 passed in the Original Application being OA No.160 of 2026 with MA No.258 of 2026.

Mr. Prasad, learned advocate appearing for the petitioners strenuously argues that initially the learned Tribunal passed an order *ex parte* in the original application on 6th February, 2026. The learned advocate, who was engaged for representing the petitioners, was misled since in the notice no date was mentioned on which the application would be returnable.

He further submits that the original applicants/respondents herein are not the employees of the department and were not selected through the

procedure laid down in the Recruitment Rules. Such issue, as urged, was glossed over by the learned Tribunal while passing an *interim* order that '*in the meantime, respondents are directed to continue with the services of the applicants and allow them to work in their respective places till the next date of hearing*'.

He submits that the interim order was passed without taking into consideration the contention of the petitioners that the respondents had already been disengaged as regular MTSs.

Mr. Bhowmick, learned advocate appearing for the respondents, however, denies and disputes the contention of Mr. Prasad and submits that the order dated 6th February, 2026 itself records that '*though affidavit of service has been filed, none appears for the respondents*'. From the said order it would also be evident that one Goutam Dey, Assistant Superintendent of Post Offices, Legal Cell, Postal Department was heard prior to issuance of the said order dated 6th February, 2026 and that as such it cannot be urged that the order was passed *ex parte*.

He further submits that the petitioners did not file their reply within the time as directed in the order dated 6th February, 2026 and it is only after the contempt application was filed, the petitioners came up with an application for vacating the *interim* order.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, service of the original application was effected upon the petitioners before 6th February, 2026. However, the learned advocate representing the petitioners did not appear at the time of call. The order further reveals that one Goutam Dey, Assistant Superintendent of Post Offices, Legal Cell, Postal Department, who was present in Court, was heard by the learned Tribunal before issuance of the said order. The petitioners, admittedly, did not file their reply as called for by the learned Tribunal within a period of four weeks. The *interim* order passed on 6th February, 2026, was also not challenged by the petitioners. It is only after the contempt application was filed, the petitioners came up with an application for vacating the *interim* order.

In the said conspectus, the learned Tribunal, in our opinion, rightly rejected the application for vacating the *interim* order being MA 258 of 2026 and that as such, no interference is called for in the present writ petition.

The writ petition being WPCT 139 of 2026 is, accordingly, dismissed.

However, we request the learned Tribunal to dispose of the original application, as expeditiously as possible.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)