

February 23, 2026
Sl. No.21
Court No.1
s.biswas

WPCT 279 of 2024

Gour Palmal
vs.
Union of India and others

Mr. Ujjal Ray
Mr. Barun Chatterjee
Mr. Binit Kumar

... for the petitioner

Mr. Pinaki Bhattacharyya
Ms. Tapasi Sinha Palit

... for the Union of India

Per, Sujoy Paul, C.J.

1. Mr. Ujjal Ray, learned counsel for the petitioner and Mr. Pinak Bhattacharyya, learned counsel on behalf of the respondent Union of India, are present. With the consent, the matter is finally heard.
2. The petitioner approached the Tribunal by filing O.A. 350/1712/2019 with the prayer that after his acquittal from criminal case when he was reinstated, the intervening period between the date of termination pursuant to conviction in the criminal case till his reinstatement be treated for the purpose of grant of backwages. In

addition, he prayed that the intervening period be treated as spent on duty for all purposes. The Tribunal dismissed the said original application.

3. The singular contention of the learned counsel for the petitioner is based on the relief clause of the said O.A. wherein apart from backwages also, the petitioner had prayed for other reliefs. For ready reference, the reliefs are reproduced hereinbelow:

“(A) An order do issue directing the respondent authorities to quash and set aside the Office Order bearing No.MRTS /E.345/15/S&T/Pt.II dated 02.07.2019 passed by the Principal Chief Personnel Officer;

(B) An order do issue directing the respondent authorities to immediately release the salary of the applicant along with all consequential benefits for the period 22.12.2005 to 01.11.2017 along with interest @ 10% per annum;

(C) An order directing the respondents to treat the period from 22.12.2005 to 01.11.2017 as spent on duty for all purposes and disburse the Pay & Allowances of the said period along with all consequential benefits treating him as regular ESM Grade-III from 25.02.1991;

(D) An order directing the respondents to produce/cause production of all relevant records;

(E) Costs;

(F) *For any other appropriate relief or reliefs as your Lordships may deem fit and proper.”*

4. The Tribunal in para 6, has framed a question which was germane in the opinion of the Tribunal. Para 6 reproduced thus:

“6. *The sole question requires consideration in this O.A. is whether the applicant is entitled to the relief i.e. 22.12.2005 to 01.11.2017 is to be considered as on duty for the purpose of back wages. From perusal of the order dated 21.12.2005 and the O.A. filed by the applicant challenging the said order was dismissed by this Tribunal on 05.03.2008 with the following observations:-*

“2. Accordingly, the reinstatement if any, in accordance with the rule can be considered by the respondent railway administration in accordance with the order of the Hon’ble High Court in the appeal. The O.A. at this juncture being devoid of merit is dismissed.” ”

5. Thereafter the Tribunal in remaining paragraph considered judgment of Supreme Court and opined that for intervening period, the petitioner is not entitled for grant of backwages. Thus, the sole contention of the petitioner is that the Tribunal failed not only to decline backwages but also failed to consider the remaining prayer (C) above.

6. Learned counsel for the respondent department supported the impugned order of the Tribunal and prayed for dismissal of this petition.
7. We have heard the parties at length.
8. So far question of grant of back wages is concerned, in our considered opinion, the Tribunal has taken a correct view based on two judgments of the Supreme Court mentioned in para 9 of the instant impugned order. Thus, on the aspect of backwages, no relief is due to the petitioner and order of dismissal of O.A. deserves a seal of approval from this court. We order accordingly. However, we find substance in the argument of Mr. Ray that his prayer (C) has not been considered by the Tribunal. Thus, we deem it proper to set aside the impugned order of the Tribunal and remit the matter on the limited aspect of considering the relief (C) aforesaid. Accordingly, impugned order dated 04.06.2024 to the extent indicated above is set aside. The O.A.

350/1712/2019 is restored to its original number. The Tribunal is requested to hear the parties on this limited aspect afresh and pass a fresh order in accordance with law expeditiously, preferably within 6 months from the date of production of the copy of this order. The petition is **disposed of**.

(Sujoy Paul, C.J.)

(Partha Sarathi Sen, J.)