IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). /2026
@ Petition(s) for Special Leave to Appeal (C) No(s). 3381/2026

UNION OF INDIA & ORS. **Appellant(s)**

VERSUS

SUNIL KUMAR MANDAL & ORS. **Respondent(s)**

O R D E R

1. Leave granted.

2. Heard learned counsel for the parties.

3. This appeal is directed against the judgment and order of the High Court[1] dated 07.01.2025 whereby the writ petition of the appellants against the order dated 21.02.2022 passed by the Central Administrative Tribunal ('CAT'), Kolkata Bench, dated 21.02.2022, in O.A. No. 350/1517/2015 was dismissed.

4. The respondents had applied to CAT for a direction to regularize their services as permanent Railway servants with all benefits

Signature Not Verified
Digitally signed by CHETAN ARORA
Date: 2026.01.27 14:09:49 IST
Reason:

1 **High Court at Calcutta**

as were available to parcel porters who had been absorbed by the Railway administration at other stations under the Malda division of Railways. It was their case that they were initially engaged as licensed porters. The license being renewable on yearly basis. But, instead of renewing their licenses, they were used as parcel porters by the Railway administration. Identity cards were also issued depicting their status as parcel porters. It was pleaded that parcel porters are part of the Railway establishment and in various stations such as Bhagalpur, Sahibganj and Jamalpur, under the Malda Division, their services were regularized under the orders of CAT which stood affirmed up to this Court.

5. The case set up by the respondents was contested by the Railway administration (i.e. the appellants). It was the specific case of the Railway administration that the identity cards that were issued were not in proper form, and were unauthorizedly issued

by one station manager. Besides, the case of the respondents (original applicants) was not similarly circumstanced as one that was dealt with by CAT in connection with parcel porters at Bhagalpur, Sahibganj, and Jamalpur.

6. However, CAT extracted the order passed in the matter of parcel porters at other Railway stations and observed that since the original applicants (i.e. the respondents) were similarly circumstanced as those who were granted relief earlier, disposed of O.A. by directing that the authorities shall consider their cases in terms of the directions of CAT in the earlier case relating to other stations.

7. Aggrieved by the order of CAT, the appellants preferred a writ petition before the High Court which came to be dismissed by the impugned order.

8. We have heard Mr. Brijender Chahar, learned A.S.G. for the appellants and Mr. Gopal Chandra Ghosh, learned senior counsel

for the respondents.

9. On behalf of the appellants it is submitted that the order passed earlier by CAT in respect of other stations dealt with a situation where the licensed porters were working as parcel porters since 1974 and had functioned as such for a period exceeding two decades. In those circumstances, the directions were issued by CAT whereas the present applicants (i.e. the respondents herein) were engaged as licensed porters in 2011 and in 2014 identity cards *qua* their functioning as parcel porters were unauthorizedly issued, and taking advantage of those cards O.A. was filed immediately in the year 2015. In such circumstances, the original applicants herein cannot be considered similarly circumstanced as those who were granted relief by CAT in respect of their functioning as parcel porters at railway stations Bhagalpur, Sahibganj, and Jamalpur. It has also been submitted that there is no discussion in the judgment of

either CAT or the High Court whether any circular or rule entitles the original applicants to regularization of their service. In such circumstances, it is submitted, the order of CAT requires interference, CAT must reconsider the case.

10. *Per contra,* on behalf of the respondents, it is submitted that there is no dispute that the original applicants were issued identity cards for their working as parcel porters. Further, there is no serious dispute of their functioning as parcel porters. Besides, their license as porters were not renewed. Therefore, if work was being taken from them under the identity cards held by them, it could safely be inferred that they had been performing their duties under the Railway administration as parcel porters and were, therefore, entitled to the benefit of absorption as was accorded to parcel porters functioning at other Railway stations.

11. We have accorded due consideration to

the rival contentions and have perused the materials brought on record.

12. What is important to note is that CAT has granted relief to the respondents not by placing reliance on any service rules regulations, notifications, circulars or memorandums but on the ground that they were similarly circumstanced as those who were granted benefit under the orders of CAT passed earlier in respect of parcel porters functioning at Railway stations Bhagalpur, Sahibganj, and Jamalpur under the Malda Division.

13. A perusal of the order passed on the petition of parcel porters engaged at those Railway stations would indicate that they had claimed to be serving the Railway administration since 1974. Their claim petition was filed in 1997. In such circumstances, they had served the Railway administration for over two decades. The original applicants herein on the other hand had not even served for a decade. Therefore,

the view taken by CAT that the original applicants herein were similarly circumstanced as those who were granted relief earlier by CAT is not sustainable. In case the original applicants were otherwise entitled for the benefit sought by them in their original application needs to be considered based on other materials that may be available on record. However, since CAT has not taken notice of any other material which may entitle the original applicants for absorption /regularization, the matter would require reconsideration. Importantly, the only material which has been accorded consideration for granting relief to the original applicants is the earlier judgment of CAT which, in our view, is distinguishable on the facts of the present case.

14. We are, therefore, of the view that CAT needs to reconsider the matter in accordance with law.

15. Accordingly, we deem it appropriate to

allow this appeal and remit the matter to CAT for a fresh consideration.

16. The appeal is, accordingly, allowed. The impugned order of the High Court as well as CAT is set aside. Original Application No. 350/1517/2015 shall stand restored on the file of CAT, Kolkata Bench, Kolkata and shall be decided afresh in accordance with law after giving opportunity of hearing to the parties.

17. As the Original Application is of the year 2015, we deem it appropriate to direct CAT to ensure that the same is decided expeditiously preferably within a period of nine months.

18. Pending application(s), if any, shall stand disposed of.

……..J
[MANOJ MISRA]

……..J
[VIJAY BISHNOI]

New Delhi;
November 25, 2026

ITEM NO.25 COURT NO.9 SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). /2026
@ Petition(s) for Special Leave to Appeal (C) No(s). 3381/2026

[Arising out of impugned final judgment and order dated 07-01-2025 in WPCT No. 117/2022 passed by the High Court at Calcutta]

UNION OF INDIA & ORS. Petitioner(s)

VERSUS

SUNIL KUMAR MANDAL & ORS. Respondent(s)

IA No. 7175/2026 - APPLICATION FOR PERMISSION
IA No. 305928/2026 - DOCUMENT TAKEN ON RECORD
IA No. 306392/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 25-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :Mr. Brijender Chahar, A.S.G.
Mr. Gaurav Arya, Adv.
Mr. Ankur Rastogi, Adv.
Mr. Sudhakar Kulwant, Adv.
Mr. Udit Dedhiya, Adv.
Mr. Digvijay Dam, Adv.
Mr. Prashant Singh-ii, Adv.
Mr. Amrish Kumar, AOR
Dr. Arun Kumar Yadav, Adv.

For Respondent(s) :Mr. Gopal Chandra Ghosh, Sr. Adv.
Mr. Raj Krishna Mondal, Adv.
Mr. Ranjan Mukherjee, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(CHETAN ARORA (AJEET SINGH TARIYAL)
ASTT. REGISTRAR-cum-PS BRANCH OFFICER