

S.L. 08.
09.10.2020
S.D.

F.M.A. 912 of 2020
(M.A.T. 989 of 2019)
With
CAN 1 of 2019
(Old CAN No. 7925 of 2019)
with
CAN 3 of 2020
(file not here)

The State of West Bengal & Ors.
Vs.
Sachchidanand Singh & Ors.
(Via Video Conference)

Mr. Joytosh Majumder, Ld. G.P.,
Mr. Suman Dey
.....for the Appellants.

Mr. Piyush Chaturvedi
.....for the Respondents.

This appeal is against an order dated March 8, 2019 passed on a petition under Article 226 of the Constitution. It appears that no affidavit was filed on behalf of the State. Merely on the basis of an assertion in the supplementary affidavit filed by the writ petitioner that the writ petitioner had refunded the amount that he was called upon to refund, the petition was allowed by directing the pension to be paid to the writ petitioner.

Unfortunately, it does not appear from the order impugned as to what the real issue was or how such issue was adjudicated upon to arrive at the conclusion that the writ petitioner was entitled to the pension. In any event, consequent upon noticing that no affidavit had been filed by the State, the State could have been put on terms, particularly when the State appears not to have been represented even at the time when the matter was taken up.

The State should also be warned that such casual conduct of matters on its behalf cannot be appreciated or permitted endlessly. When directions are issued for filing affidavits, the State should take them seriously and adhere to the dates. It will not do to not appear in a matter, suffer an order and then come up complaining against the order at a subsequent stage. The State's conduct in this matter leaves a lot to be desired.

That said, since the order impugned does not indicate the application of mind to the matters which were in issue, the same cannot be sustained. As a consequence, the order dated March 8, 2019 is set aside.

W.P. 22641 (W) of 2017 is restored to the board of the Single Bench with a request to decide the matter as expeditiously as possible. The State will have a week from

today to file its affidavit; reply thereto, if any, may be filed within a further week. In default, the matter may be decided in the absence of the relevant affidavit.

F.M.A. 912 of 2020 together with the interim application therein stand disposed of without any order as to costs.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)