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**W.P.A. 8106 of 2021
(Through Video Conference)**

Sourendra Nath Biswas

Vs.

Union of India & ors.

Mr. Soumyajit Bhatta

Mr. Sujit Kumar Ghosh

...for the petitioner

Mr. Debu Chakraborty

... for the U.O.I.

The petitioner alleges non-payment of retirement benefits upon superannuation from his services under the Indian Iron and Steel Company Limited. Records reveal that a disciplinary proceeding was initiated against the petitioner. The disciplinary proceeding reached its final conclusion and the petitioner was punished. The petitioner was dismissed from services. Challenging the said order of punishment, the petitioner preferred an appeal before the appropriate authority. The appeal was dismissed. The petitioner filed a writ petition challenging the aforementioned orders. The writ petition was registered as W.P.18717(W) of 2005. The order of dismissal was set aside by this Court with a direction for imposition of punishment of stoppage of increment with cumulative effect. The Company was directed to reinstate the petitioner upon imposition of the aforementioned

punishment. The period between the dismissal and reinstatement was treated to be not in service.

The appeal was preferred by the respondent/Company, which was dismissed for want of prosecution by an order dated February 20, 2014. The contention of the petitioner is that the appeal was not restored and as such the order of the learned single judge had taken its finality.

This writ petition has been filed claiming retirement benefits. The alleged date of superannuation of the petitioner is November 30, 2020. There is nothing on record to show that the petitioner was reinstated and had worked till his date of superannuation. It is the case of the petitioner that the petitioner was not allowed to join his services but, I do not find any such pleading in this writ petition. Nor do I find any challenge against the respondents for wrongfully restraining the petitioner.

The writ petition has been filed on the basis that the petitioner had completed his service period and had retired from his service in the usual course of business, although, it is not so. Thus, this writ petition is devoid of any material particulars. In the absence of pleadings as to what transpired between the petitioner and his employer after the order of this Court, this writ petition cannot be entertained.

Learned Advocate for the petitioner prays that the petitioner may be allowed to withdraw this writ petition with liberty to file afresh. Prayer stands allowed.

The writ petition is dismissed as withdrawn with liberty to file a comprehensive writ petition on the self same cause of action with better particulars.

There will however be no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar,J.)