

09.12.2021
Item no.4
Court No.6.
AB

**M.A.T. 548 of 2021
With
I A CAN 1 of 2021**

Firoz Sarkar

Vs

The State of West Bengal & Others

Mr. Atarup Banerjee,
Mr. Mrityunjay Chatterjee,
Mr. G. N. Imrohi,
Ms. Saswati Adhikaryfor the Appellant.

Mr. Sudipta Panda,
Ms. Munmun Tewarifor the State.

By consent of the parties, the appeal and the application are taken up together for hearing.

The appellant approached the learned Single Judge complaining that his job as Tax Collector in the relevant Panchayat had been terminated without following due procedure. The termination letter was issued on January 27, 2020, which was under challenge before the learned Single Judge.

The learned Single Judge was of the view that indeed due procedure had not been followed in terminating the writ petitioner's service. However, His Lordship directed that the disciplinary proceedings will continue against the writ petitioner and the

termination order shall be kept in abeyance until conclusion of such proceedings.

We had directed the respondent no.8, Pradhan of the relevant Panchayat, to produce the records of the case. Today, Mr. Banerjee, learned Advocate appearing for the appellant produces copy of a memo dated December 2, 2021, issued by the Pradhan of the concerned Gram Panchayat wherein it is stated that it has been found that the allegations that had been brought against the writ petitioner/appellant have been found to be baseless and, accordingly, the appellant is re-appointed as Tax Collector.

The memo dated 02.12.2021 produced in Court today be kept on record.

In view of such memo, nothing survives in this appeal.

Since we have not called for affidavits, the allegations in the application are deemed not to be admitted by the respondents.

The appeal being MAT 548 of 2021 along with IA CAN 1 of 2021 are disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)