

5 06.8.2021
Sc Ct. no.16

(Via Video Conference)

W.P.C.T. 81 OF 2018
with
I.A. No.CAN 1 OF 2019
(Old No.CAN 5619 OF 2019)

Union of India & Ors.

Vs.

Deepak Sharma & Anr.

with
CPAN 167 OF 2019

Deepak Sharma

Vs.

Mr. Asit Singh & Ors.

Mr. Smarajit Roy Chowdhury
Mr. Amal Kumar Datta.

.....For the Petitioner/UOI

Mr. Sandip Kumar Bhattacharyya

.....For the Respondent
No.1.

The cause-title of this matter as transcribed in this order should be taken note of and, accordingly, the list should be corrected by the Computer Section.

The order passed today is in :

W.P.C.T. 81 OF 2018
with
I.A. No.CAN 1 OF 2019
(Old No.CAN 5619 OF 2019)

Union of India & Ors.

Vs.

Deepak Sharma & Anr.

The writ petition is directed against an order dated 16th August, 2018 in connection with an original

application, filed by the respondent no.1, challenging the transfer policy.

The learned tribunal by a detailed order allowed the said application with a direction upon the respondent authorities *“to allow the applicant to continue at Kolkata till his superannuation, in case they are unable to adjust him at Guwahati as per his exercised choice”*.

Being aggrieved by the said order this writ petition has been preferred by the Union of India.

A coordinate Bench on 11th January, 2019, in course of hearing the writ petition, declined to pass an interim order as would be evident from the following observation :

“ We have heard Mr. Roy, learned advocate for the petitioners who were the official respondents before the tribunal. Considering the transfer policy at page 55 of the writ petition as well as the facts that the respondent no. 1 has less than two years’ service left prior to his superannuation and that his transfer to Patna (vide order dated 25th May, 2018) does not appear to have been made on grounds as mentioned in paragraph 4.1 of the said transfer policy, we are not inclined to grant stay of the impugned order. The prayer for interim relief stands refused.”

Learned counsel appearing on behalf of the writ petitioner on instruction submits that during the pendency of the writ petition, the respondent no.1 has retired from service on 28th February, 2020.

In view of the aforesaid, the writ petition has now become infructuous and dismissed as infructuous.

However, Mr. Bhattacharyya learned counsel appearing on behalf of the respondent no.1 submits that he has not received his actual pensionary benefits due to the pendency of the writ petition.

In view of the fact that the writ petition stands dismissed, it is needless to mention that all pensionary benefits as admissible to the original applicant viz. Deepak Sharma, shall be processed and released by the authorities concerned within a period of ten weeks upon completion of all formalities.

In view of dismissal of this writ petition all connected applications as well as the contempt application (treating it as on day's list) stand dismissed.

No order as to costs.

Photostat certified copy of this order, if applied for, be furnished to the parties on usual undertaking.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)