

Item No.55

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

20.04.2021
Ct-24

W.P.A.9446 of 2020
Aparesh Mitra
v
General Manager, Eastern Railway & Ors.
with
CAN/1/2021

Mr. Dipayan Kundu
... for the petitioner.

Mr. Sanajit Kumar Ghosh
... for the applicants.

This is an application praying for recalling of the order dated December 21, 2020.

When the matter was taken up for consideration by the Court on December 21, 2020 none represented the respondents. The petitioner being an octogenarian person appeared in person and complained of non-payment of his retiral dues.

Presently the application for recalling the order has been filed by the railways wherein it has been mentioned, that the petitioner being an employee of the railways, the issue involved in the writ petition will be amenable before the Central Administrative Tribunal and not before the writ Court.

It appears from records that this Court in WP No. 28492(W) of 2014, by an order dated March 7, 2017, relegated the petitioner before the appropriate forum to decide the issue of non-payment of retirement benefits. In the said order it was specifically mentioned that the retirement benefits of the petitioner have been paid.

As it appears that the petitioner is a railway employee he ought to urge his grievance before the appropriate forum being the Central Administrative Tribunal. The writ Court will not be proper forum to adjudicate this issue at this stage.

In view of the above, the order dated December 21, 2020 stands recalled. The petitioner will be at liberty to approach the appropriate forum in accordance with law, if so advised.

CAN /1/2021 stands allowed.

WPA 9446 of 2020 stands dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(**Amrita Sinha, J.**)