

D/L
Item No. 5
08.09.2022
KOLE

**FMA 513 of 2020
With
IA No. CAN 1 of 2019 (Old No. 10930 of 2019)**

**C. U. Staff Co-operative Credit Society Ltd.
-Vs.-
Amit Banerjee & Ors.**

*Mr. Asit Kr. Chakraborty,
Mr. K. Bera,
Ms. D. Chakraborty,*

...for the appellant.

*Mr. Srijan Nayak,
Mrs. R. Maitra,*

...for the State.

In the first call the appellant was represented but the private respondent/writ petitioner was not. Accordingly, the matter was passed over. In the second call also the private respondent/writ petitioner is not represented. We are not inclined to adjourn the matter since in our view, the order under challenge cannot be sustained.

The writ petitioner had approached the learned Single Judge complaining of non-payment of his retiral benefits after his retirement and also for a direction on the respondents to permit him to withdraw the matured fixed deposit amount.

For whatever reason, the appellant/respondent no. 4 was not represented on the date the matter was taken up by the learned Single Judge. The learned Judge by the impugned order dated 17.09.2019 directed exchange of affidavits and also directed the appellant society to allow the writ petitioner to withdraw the matured fixed deposit

amount. There is no discussion about the facts of the case in the impugned order. No reason has been recorded in the impugned order. It is trite law that an order of a judicial authority or quasi-judicial authority or even an administrative authority, which is not supported by reasons, is a nullity in the eye of law since recording of reasons has now been recognized as a part of the principles of natural justice. Reasons are life blood of an order. Without reasons an order cannot be sustained.

The order under appeal is set aside. The respondents will be at liberty to file their affidavits-in-opposition to the writ petition one week after the ensuing Puja vacation. Reply, if any thereto, be filed within two weeks thereafter.

Let the matter be listed before the learned Single Judge having determination after exchange of affidavits.

Since the private respondent/writ petitioner is not represented, learned Advocate on record for the appellant shall communicate this order to him.

Learned Advocate for the appellant says that the writ petition is not maintainable. That point is left open to be decided by the learned Single Judge.

The appeal and the connected application are accordingly disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)