

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3191 of 2018
with
IA No.CAN 2 of 2021
with
IA No.CAN 3 of 2022

Digendra Nath Barman & Ors.
Vs.
Food Corporation of India & Ors.

Mr. Amber Majumdar
Mr. Victor Chatterjee
... For the petitioners

Mr. Kamal Kr. Chattopadhyay
... For the respondents/applicants

In terms of the direction given in the order dated 11th August, 2022, of Food Corporation of India (in short “FCI”) submits that Digendra Nath Barman, the petitioner no.1, and Ganesh Midya, the petitioner no.2, respectively retired on 31st March, 2022. Digendra Nath Barman was paid a sum of Rs.7,87,570/- on account of gratuity on 9th May, 2022 and a sum of Rs.26,94,363/- on account of provident fund on 27th May, 2022. Ganesh Midya similarly was paid a sum of Rs.8,41,068/- on account of gratuity on 9th May, 2022 and a sum of Rs.24,84,702/- on account of provident fund on 27th May, 2022. Maheswar Sardar, the petitioner no.3, retired on 31st May, 2021. Maheswar Sardar was paid a sum of Rs.10,95,544/- towards gratuity on 27th August, 2021 and a sum of Rs.17,63,948/- on account of provident fund on 30th July, 2022.

On behalf of FCI, it is submitted that after the payment of these amounts respectively to the petitioners no.1, 2 and 3, no further claim on account of retiral dues and/or benefits are due and payable to the petitioners. It is further submitted that the writ petition should be disposed of as nothing survives to the challenge of the transfer orders, being the subject matter of the writ petition after the petitioners have retired and having received the retiral dues.

On behalf of the petitioners, it is submitted that only after the intervention of this Court, the retiral benefits have been paid to the petitioners.

In the aforesaid facts and circumstances, keeping in mind that the challenge to the transfer order does not survive any further after the retirement of the petitioners, the writ petition has become infructuous. The issues involved in the writ petition are no more alive for adjudication or remain to be germane due to the subsequent events, particularly in view of the fact that the writ petition was neither filed in a representative capacity nor assumed representative character.

The writ petition is, accordingly, disposed of holding that the same has become infructuous after the retirement of the petitioners on attaining the age of superannuation.

So far as the delay, if any, in paying the retiral benefits as raised by the petitioners are concerned, the

same are beyond the scope of the writ petition. The petitioners, however, shall be free to take recourse of law, if permissible, to realise interest on delayed payment of gratuity and Contributory Provident Fund.

It is also made clear that disposal of the writ petition will not stand in the way for the petitioners ventilating their grievances for non-payment of any other retiral benefits apart from gratuity and provident fund.

Since the main writ petition is being disposed of, the connected applications, being CAN 2 of 2021 and CAN 3 of 2022, have no independent existence. The same are accordingly disposed of without any order made therein.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)