

20.04.2022
SL No. 76
Court No. 24
(P.M)

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 5086 of 2022

**Satyaban Khan
Vs
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das
... for the petitioner.

Md. Mansoor Alam
.... For the State

The petitioner filed a previous writ petition being WPA No. 2427 of 2016 with the prayer that pension ought to have been disbursed in his favour on and from the date following the date of his retirement and not from the date of refund of the employer's share of contribution.

It appears that the petitioner filed the present writ petition on the selfsame cause of action as the earlier writ petition. The said writ petition was disposed of by this Court on 22nd March, 2022. The petitioner affirmed the present writ petition on 21st March, 2022 praying for the same relief. In the present writ petition there is total suppression of fact about filing of the earlier writ petition.

As the prayer sought for by the petitioner in the present writ petition has already been granted in his favour in the earlier writ petition, he ought not to have filed the subsequent writ petition, i.e. the present writ petition.

The said fact has been brought to the notice of the Court by the learned advocate representing the State respondents. Copy of the order dated 22nd March, 2022 passed in favour of the petitioner in WPA 2427 of 2016 has been handed over in Court.

The petition suffers from gross suppression of material facts and is abuse of the process of the Court.

In view of the above, the writ petition stands dismissed with costs of Rs. 7,000/- (rupees seven thousand only) to be paid by the petitioner to the West Bengal State Legal Services Authority within a fortnight from date. In the event the aforesaid amount is not paid within the time stipulated hereinabove, the order that was passed in favour of the petitioner in WPA 2427 of 2016 will stand recalled.

Let the present writ petition appear in the list once again under the heading **“To Be Mentioned”** on 10th May, 2022 to verify whether the cost has been deposited by the petitioner or not.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)