

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4529 of 2020

Bimal Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Chandra Sekhar Bag
... For the petitioner

Mr. Amal Kumar Sen
Ms. Deblina Chattaraj
... For WBTC

Affidavit of service filed in Court today by West Bengal Transport Corporation Limited (in short “WBTC”) is taken on record.

The petitioner came before this Court by filing the instant writ petition, inter alia, challenging the order of suspension as also the departmental proceedings. During the pendency of the writ petition, in view of an order dated 10th February, 2021, the final order in the disciplinary proceeding has been passed on 21st April, 2021. The cause of action in the instant writ petition after the passing of the final order no more subsists independently as the suspension order pursuant to the passing of the final order has merged into it. Even by granting the petitioner an opportunity to file a supplementary affidavit to bring on record the final order, the writ petition as it stands now cannot take care of any challenge to the final order.

In the aforesaid facts and circumstances, the writ petition is dismissed for non-prosecution, allowing the petitioner to file such proceedings as permissible in law challenging the final order dated 21st April, 2021, if so advised, by taking all grounds available to the petitioner, including those which are relevant and had been taken in the instant writ petition.

It is made clear that I have neither gone into the merits of any of the grounds taken in the instant writ petition nor have I decided any issue on merits as in the writ petition.

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

(Arindam Mukherjee, J.)