

**MAT 666 of 2022
With
CAN 1 of 2022**

Goutam Das Gupta
-Vs-
State Bank of India & Ors.

Mr. Debasish KUndu

... for the Appellant

Mr. Debashis Saha

Ms. Dipika Basu

... for the Respondent/Bank

Party/Parties is/are represented in the order of their name/names as printed above in the cause title.

The Hon'ble Single Bench, *inter alia*, directed the parties to exchange their Affidavits to the writ petition.

The Hon'ble Single Bench further directed the matter to be heard out upon expiry of the specified period.

The Hon'ble Single Bench was, *inter alia*, of the view that the refusal of the interim order at this stage shall not be absolutely prejudicial to the writ petitioner/the present appellant since, in the event the writ petition succeeds, the Respondents/the Employer/the State Bank of India shall be in a position to pay the amount which the writ petitioner is ultimately found to be entitled. Such amount shall include both arrears and the interest.

Although this matter is heard in detail on the propriety of the refusal of the interim order by the Hon'ble Single Bench, this Court is informed that the issue of payment of provisional pension to the appellant/the writ petitioner is intertwined with the issue of Department Proceeding (*DP*) initiated by the Respondents/the Bank against the writ petitioner/the appellant.

Having heard the parties and considering the materials placed, this Court is of the considered view that the matter requires to be holistically adjudicated by the Hon'ble Single Bench.

This Court therefore is not agreeable to the proposition advanced by the appellant/the writ petitioner that only the issue of an interim order connected to the grant of provisional pension be plucked out from the rest of the issues on which such interim order stands embedded for a separate consideration.

Accordingly, no order needs be passed on merits in this appeal at this stage and the matter is remanded to be placed before the Hon'ble Single Bench.

However, on the prayer of the parties, time is extended to file Affidavit-in-opposition to the writ petition peremptorily by a period of two weeks from this date. Reply, if any thereto, be filed peremptorily

within a week thereafter.

The Hon'ble Single Bench is requested to expedite the hearing of the writ petition, subject to its convenience.

MAT 666 of 2022 along with **CAN 1 of 2022** stand accordingly **disposed of**.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to convenience with its all requisite formalities.

(Lapita Banerji, J.)

(Subrata Talukdar, J.)