

D/L
Item No. 11
04.05.2022
KOLE

**FMA 58 of 2022
With
IA No. CAN 1 of 2021
With
IA No. CAN 2 of 2021
With
WPA 1859 of 2020**

**Goutam Sarkar
-Vs.-
The State of West Bengal & Ors.**

*Mr. Pinaki Dhole,
Mr. D. Bhattacharyya,*

...for the appellant.

*Mr. Pradip Kr. Roy,
Mr. J. Roy,*

...for the State.

*Mr. S. Ahmed,
Mr. A. Khatun,
Mr. G. Pervin,*

...for the respondent no. 5.

WPA No. 1859 of 2020 is treated as on day's list.

In Re: CAN 1 of 2021

This is an application for condonation of delay of 26 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

CAN No. 1 of 2021 is accordingly disposed of.

In Re: FMA 58 of 2022 with CAN 2 of 2021

By consent of the parties the appeal and the application are taken up for hearing together.

The appellant was an employee of the Malda Wholesale Consumers' Cooperative Society Limited. He was

suddenly dismissed from service. He challenged his dismissal by way of filing a writ petition before this Court. The Court set aside the order of dismissal and remanded back the matter for being considered by the Appellate Authority. A decision was taken to proceed against him *de novo*. This decision was challenged by the appellant by way of the present writ petition. The learned Single Judge refused to pass an interim order staying the disciplinary proceeding. Hence, this appeal.

During the pendency of this appeal, the parties have mutually settled their disputes. The appellant has also retired. The disciplinary proceeding shall not be proceeded with. The appellant has received his dues on account of leave salary and gratuity as intimated by the appellant to his learned Advocate by a letter dated April 10, 2022, a copy whereof be kept with the records.

Learned Advocate for the respondent-Society has handed up an e-mail dated April 20, 2022 sent by the Society to learned Advocate for the Society, wherein it is stated that the Society has 'credited the contribution of the employee and the employer towards PF to the EPF Account No. (UAN) 100155848169 of Sri Goutam Sarkar in time'. Let a copy of the same be kept with the records.

Nothing, therefore, remains in this appeal. The concerned authority shall release the admissible dues of the appellant on account of provident fund within four weeks from the authority receiving a copy of this order from the

appellant. No useful purpose will be served by keeping the writ petition pending.

This order is passed in view of the agreement arrived at between the parties as recorded in the terms of settlement dated March 4, 2022.

The appeal along with the connected stay application and the writ petition being No. WPA 1859 of 2020 are, accordingly, disposed of.

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

(Arijit Banerjee, J.)

(Kausik Chanda, J.)