

26-08-2022
ct no. 13
Sl. 15
sp

RVW 100 of 2022
With
CAN 1 of 2022
In
WPA 15051 of 2017
Gurupada Mondal
-Versus-

The State of West Bengal & Ors.

Mr. Shamim Ahammed,
Ms. Ambiya Khatun

.....for the appellant

Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das

...for the State

Review is sought of the order dated February 6, 2020, passed by this Court on the ground that certain documents could not be produced on the said date despite due diligence.

Counsel for the petitioner places a complaint lodged in respect of a murder case in which the petitioner was subsequently implicated and has obtained bail under Section 438 of the Cr. P.C. in CRM 113 of 2016.

Based on the said documents it is submitted that the petitioner was, in fact, prevented from joining his service. It is therefore submitted that the petitioner shall be granted his salary for the entire period for which he was prevented from working.

This Court notes that the order dated February 6, 2020, 25% of the total amount payable for the period during which the petitioner was prevented from joining duties, was directed to be paid to him.

This Court otherwise sees no serious error apparent on the face of the record. The new evidence brought by the petitioner does not improve his case.

In the facts and circumstances of the present case, this Court, however, directs that for the period the petitioner could not join duties, the petitioner should be paid 30% of the total of such entitlement for the said period, instead of 25%. The order dated 6th February, 2020 is reviewed and modified accordingly.

With the aforesaid observations, the review application shall stand disposed of.

In view of the above, CAN 1 of 2022 shall also stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)