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22.06.2022
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Ct 39

WPA 9979 of 2010
CAN 1 of 2013 (Old No: CAN 6333 of 2013)
CAN 2 of 2022

Akshay Kumar Parida
Vs.
Union of India & ors.

Mr. Meghnath Dutta
Mr. Lalratan Mondal
...for the petitioner
Mr. Arijit Majumdar
...for the Union of India

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had challenged a transfer order on the ground that he had suffered an injury and was not in a position to move from where he was stationed. In 2010, an interim order of stay was granted on the order of transfer. This continued for about 12 years. The Union of India had filed an application for vacating. However, in the meantime, the health of the petitioner further deteriorated. The petitioner accordingly prayed for being relieved of his service. The same was allowed. But, the respondents deducted some amounts from the retiral benefits of the petitioner. For this, a representation has already been given by the petitioner. However, this gives rise to a fresh cause of action. Since, the prayer for voluntary retirement of the petitioner has already been accepted, the present application has become infructuous. The petitioner also does not want to press the connected application being CAN 2 of 2022.

Learned counsel appearing on behalf of the Union of India submits as follows. Although an employee of the BSF is usually posted for three years at a place, pursuant to a direction passed by this Court, the petitioner was all along posted at the place where he was stationed at the time of filing of the application. The petitioner's request for voluntarily retirement has also been accepted. Therefore, the present application has become infructuous.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the revision petition.

It appears that pursuant to the earlier direction passed by this Court, a prayer for voluntarily retirement of the petitioner has already been accepted. Therefore, the cause of action behind the present application does not survive.

The writ petition and the connected application being CAN 1 of 2013 are, accordingly, disposed of.

On the prayer of the learned counsel for the petitioner, CAN 2 of 2022 is dismissed as not pressed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)