

23.09.2022
DL-2
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

CAN 2 of 2021
in
WPA 13792 of 2017

Santosh Adhikary & Ors.
Vs.
Food Corporation of India & Ors.

Mr. Victor Chatterjee,
Mr. Barnamoy Basak
...for the petitioners.

Mr. L. K. Gupta, Sr. Advocate,
Mr. Kamal Kumar Chattopadhyay,
Mr. Abhinaba Chatterjee
....for the respondents/FCI.

In Re: CAN 2 of 2021

Mr. Gupta, learned senior counsel, appearing on behalf of the respondents/Food Corporation of India (in short “FCI”) submits that the grievances of the writ petitioners have been redressed since the transfer orders impugned in the writ petition, being WPA 13792 of 2017, have been withdrawn by an office order dated October 7, 2021. He submits that nothing further remains to be adjudicated in the present writ petition and the same has become infructuous.

Mr. Chatterjee, learned counsel appearing for the petitioners submits that the transfer policy of FCI is under challenge in several writ petitions filed before the coordinate Bench of this Hon’ble High Court. He submits that the permanent employees of FCI are

being prejudiced by illegal/mala fide transfers and they are sought to be replaced by contractual employees.

An affidavit-in-opposition is filed in Court today to the application, being CAN 2 of 2021, which is an application for the purpose of disposing of the writ petition by treating it as infructuous. Such affidavit is retained with the records.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the grievances of the writ petitioners in this present writ application have already been redressed and the impugned transfer orders have been withdrawn. Therefore, the cause of action of the writ petitioners does not subsist as on date.

Accordingly, **CAN 2 of 2021** is allowed.

The writ petition, being **WPA 13792 of 2017**, is **dismissed** as infructuous.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)