

03.01.2022
Sl. No.18
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Through video conference)

WPA 20977 of 2021

Mongal Mal
Vs.
Union of India & Ors.

Mr. Amal Kumar Banerjee
....for the petitioner.

Mr. Baidurya Ghosal
....for the respondent no.4.

The petitioner, while working in Mayurakshi Gramin Bank, was subjected to a disciplinary proceedings which culminated into an order of dismissal from service with effect from 20th October, 1995. The petitioner challenged the order of dismissal passed by the disciplinary authority by preferring a statutory appeal before the Appellate Authority. The Appellate Authority has dismissed the petitioner's appeal on 14th December, 2012. Challenging the order of the Appellate Authority, the petitioner has filed a writ petition, being W.P. No.18843 (W) of 2013. The said writ petition is pending final adjudication after completion of affidavits. In the instant writ petition, the petitioner says that he had made a representation on 4th January, 2021 asking for certain claims, which,

according to the petitioner, he is entitled to even if the order of termination remains. Since the petitioner has already challenged the final order of the Appellate Authority in another writ petition and the decision in the said writ petition will provide for all the reliefs available to the petitioner including those claimed herein, a separate writ petition during the pendency of the previous writ petition only restricted for release of the benefits will burden this Court with a further writ petition on the issues which can be addressed in the pending writ petition. The instant writ petition cannot also be disposed of without inviting the respondents to disclose their stand on affidavit.

In such circumstances, this writ petition is disposed of allowing the petitioner to agitate the issue of releasing the terminal benefits available to the petitioner in the previous writ petition, which is pending final adjudication.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)