

15.02.2022

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 21415 of 2021

Bimalendu Mohapatra (Brigadier)

- vs-

**Union of India & Ors.
(Via Video Conference)**

Mr. Soumya Majumder,
Mr. Abhik Sarkar,
Mr. Barun Chatterjee

.... For the petitioner

Mr. D.N. Roy,
Mr. Prithu Dudhoria For the U.O.I.

In a previous round of litigation being a writ petition filed by the petitioner an order was passed on 14th December, 2021 disposing of the said writ petition being WPA No. 19983 of 2021.

The petitioner has come up by way of the instant writ petition filed on 24th December, 2021, inter alia, challenging a rejection memo dated 21st December , 2021 and the transfer order dated 30th November, 2021. After filing of the writ petition in purported compliance terms of the direction given by the order dated 14th December, 2021 passed in WPA No. 19983 of 2021, the respondents have decided the petitioner's representation by an order dated 9th February, 2022. The petitioner has affirmed a supplementary affidavit bringing on record the said order dated 9th February, 2022 forwarded to the petitioner by a

letter dated 11th February, 2022. Supplementary affidavit is taken on record. The petitioner says that order dated 9th February, 2022 is not in consonance with the direction given in the order dated 14th December, 2021. The petitioner, is now challenging the order dated 9th February, 2022 on diverse grounds. Even if the supplementary affidavit is considered then also the reliefs claimed by the petitioner in the writ petition are completely different from the relief sought for by the petitioner after passing of the order dated 9th February, 2022.

In the aforesaid facts and circumstance, I find justice will be sub-served if I allow the petitioner to file a comprehensive writ petition upon withdrawal of the present , agitating all the points taken in the writ petition along with those which have emerged after passing of the order dated 9th February, 2022.

The writ petition is, therefore, dismissed as withdrawn with liberty to the petitioner to file a comprehensive writ petition agitating all the points taken in the instant writ petition as also these against the order dated 9th February, 2022, if so advised.

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

(*Arindam Mukherjee, J.*)