

Ml- 02.03.2023
890 Ct.15
rkd

W.P.A. 3226 of 2014
(IA NO: CAN 1/2014 (Old No: CAN 8020/2018))

Malay Sinha Ray
-vs-
The State of West Bengal & Ors.

Mr. Kajal Roy,

....for the petitioner.

Mr. Tapas Kumar Ghosh,
Mr. Tanmoy Chowdhury

....for the HCM.

Affidavits filed by the parties are taken on record.

The matter relates to granting promotion to the post of Sub-Assistant Engineer for which a process was started vide notice dated 16th November, 2013 by the concerned authority of Hooghly Chinsurah Municipality.

It has been contended by Mr. Ray, learned advocate representing the petitioner that though petitioner was eligible in terms of the said notice relating to promotion dated 16th November, 2013 but denying the right of the petitioner to be promoted to the post of Sub-Assistant Engineer private respondents were promoted to the said post. Petitioner is aggrieved by the decision of the authority of Hooghly Chinsurah Municipality to promote the respondent nos.5 & 6 to the post of Sub-Assistant Engineer ignoring the eligibility of

the petitioner.

Today the writ petition is considered after exchanging of affidavits. This Court has been apprised of the fact that out of the two private respondents who were promoted to the post of Sub-Assistant Engineer one has retired. It has also been submitted on behalf of the petitioner that petitioner has recently retired.

In view of the retirement of the petitioner, this Court finds that there is no scope left open to the respondents to grant benefit of promotion at this belated stage and the entire issue has become academic. Retrospective benefit relating to promotion in favour of the employee that too after retirement is impermissible. Here in the instant case in view of the petitioner's retirement he has no opportunity to work as Sub-Assistant Engineer being the promotional post.

In view of aforesaid situation which has arisen due to retirement of the petitioner no relief can be granted as sought for by the petitioner.

However, the concerned authority of Hooghly Chinsurah Municipality as well as State respondents are directed to process the pension case of the petitioner and release the retiral dues within a period of eight weeks from the date of

communication of this order in view of petitioner's retirement from the post of Electrician-cum-Mechanic on 31st January, 2023.

With the aforesaid direction the writ petition stands disposed of.

Application, if any pending, also stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)