

Item-24. 10-10-2023

sg Ct. 8

FMA 1975 of 2015
CAN 1 of 2015 (old CAN 11162 of 2015)

Meghnath Das
Versus
The State of West Bengal & Ors.

1. The parties are not represented nor any accommodation is prayed for on behalf of the parties.
2. The appeal had appeared in the warning list of cases on and from 19th September, 2023 with a clear indication that the said matter shall be transferred to the Regular Bench on 6th October, 2023. The appeal is again listed today in the main cause list. All the parties have sufficient notice about the listing of the matter before the Regular Bench on and from 6th October, 2023.
3. The appeal was filed on 22-02-2014. The record shows that no attempt has been made to move this appeal after it was filed. No step has been taken to serve notice and prepare paper books. It clearly shows that the appellants are not interested to proceed with the appeal and have virtually abandoned the appeal.
4. However, we have considered the materials on record and the impugned order. By the order dated 18th December, 2014, the learned Single Judge dismissed the writ petition on the ground that if the petitioner was illegally prevented from discharging duty since 1974, in the absence of any explanation offered for not being able to file the writ petition in 2014 that is almost after four decades, the writ petition cannot be entertained. The learned Single Judge was justified

in observing that entertaining the writ petition to direct the respondents to trace out on record would not be proper at this distinct point of time. The writ petition was dismissed only on the ground of delay and laches.

5. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.
6. The appeal fails. The appeal and the connected application are, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)