

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 4847 of 2016

With

CAN 1 of 2016 (Old CAN 4860 of 2020)

+

CAN 2 of 2016 (Old CAN 4880 of 2020)

Babu Ram

Vs.

Union of India & Ors.

For the petitioner : Mr. S.N. Ray
Mrs. Amrita Tewari
Ms. Tuhina Parvin
Mr. Bikramjit Mondal

For the Union of India : Mr. Bipul Kumar Mondal

Heard on : 19.06.2023

Judgment on : 19.06.2023

Raja Basu Chowdhury, J:

In re: CAN 1 of 2016 (Old CAN 4860 of 2020)

1. The present application has been filed, inter alia, praying for condonation of delay in filing the restoration application.
2. Heard the learned advocates appearing for the parties and considered the materials on record.

3. I am satisfied with the explanation given by the petitioner in the aforesaid application.
4. In view thereof, the application for condoning the delay in filing the restoration application is allowed and **CAN 1 of 2016 (Old CAN 4860 of 2020) is disposed of.**

In re : CAN 2 of 2016 (Old CAN 4880 of 2020)

1. This is an application for recalling of the order dated 21st March, 2016, whereby the writ application being WPA 4847 of 2016 was dismissed for default.
2. Heard the learned advocates appearing for the respective parties and considered the materials on record.
3. I find that the petitioner has been able to show sufficient cause for his non-appearance on 21st March 2016 when the writ application was dismissed for default.
4. In view thereof, the order dated 21st March 2016 is recalled and the writ application being WPA 4847 of 2016 is restored to its original file and location.
5. The application being **CAN 2 of 2016 (Old CAN 4880 of 2020)** is disposed of.

In re : W.P.A. 4847 of 2016

1. The instant writ application has been filed, inter alia, praying for a direction upon the respondents to reinstate the petitioner in service. However, at the time of hearing of the writ application, the learned advocate representing the petitioner submits that at

this stage, the petitioner is only interested to press his claim insofar as his terminal benefits are concerned.

2. The learned advocate appearing for the petitioner submits that the petitioner had joined the Central Industrial Security Force (CISF) as a constable in the year 1986. In course of employment after holding a disciplinary proceedings, the authorities were, inter alia, pleased to remove the petitioner from service. Although in the present writ application a challenge has been thrown to the said proceedings, however, since the learned advocate for the petitioner accepts the order of dismissal, such challenge is not considered. It is submitted that although the respondents had invited the petitioner to fill up the relevant documents for disbursement of such terminal benefits, the petitioner due to unavoidable circumstance, which were beyond his control, could not fill up the relevant documents. He prays for a direction upon the respondents to permit the petitioner to fill in the necessary documents and to disburse the terminal benefits as may be payable to the petitioner.
3. Mr. Mondal, learned advocate representing the Union of India, on the other hand submits that the matter pertains to the year 1989. He says that the petitioner had been removed from service. After his removal, the respondents had repeatedly requested the petitioner to approach the authorities and fill up the requisite documents for them to disburse the terminal benefits in favour of

the petitioner. Unfortunately, since the petitioner did not turn up, the same was not processed.

4. Heard the learned advocates appearing for the respective parties. Considered the materials on record.
5. I find that admittedly the petitioner was in service. However, it is also the fact that he has been removed from service. The document appended to the writ application would demonstrate that the respondents had called upon the petitioner to attend their office for disbursal of his terminal benefits, inter alia, including the provident fund dues.
6. As per the submission made by the learned advocate for the petitioner, it would appear that the petitioner could not take steps for filling up the relevant documents and for reasons whereof, his terminal dues have not been disbursed.
7. The matter pertains to the year 2016. Although, no affidavits have been invited, I am of the view that no useful purpose would be served in keeping the writ application pending. I am of the view that the present writ application can be disposed of by directing the petitioner to make a representation to the respondent no. 3, insofar as the disbursal of his terminal benefits are concerned.
8. In the event, the petitioner makes a representation within a month from date, the respondent no. 3 shall consider the same and if the respondent no. 3 is of the view the petitioner is entitled

to any dues, the same shall be disbursed to the petitioner, provided the petitioner complies with the requisitions to be made by the respondent no. 3. The outcome of the representation must be communicated to the petitioner by a reasoned order.

9. The entire exercise shall be completed by the respondent no. 3 within 6 months from the date of the petitioner making the representation.
10. With the above observations and directions, the writ application being **W.P.A. 4847 of 2016** is accordingly **disposed of**.
11. Since, no affidavit-in-opposition is called for, the allegations made in the writ application are deemed not to have been admitted.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)

Saswata
Assistant Registrar (Court)