

54 17.10.2023

Ct-08

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MAT 1461 of 2023

with

I.A No. CAN 1 of 2023

CAN 2 of 2023

Madhusudan Das

Vs.

The State of West Bengal & Ors.

Mr. Abir Lal Chakravorti

Sk. Hidayatullah

... For the Appellant

Mr. S.K. Rath

Mr. Sukumar Sarkar

... For the Respondent no. 1

Md. Sarwar Jahan

Shahzad Noor Thander

... For the Respondent no. 8

Mr. Rezaul Hossain

... For the State

Re: CAN 1 of 2023

(Condonation of Delay)

1. There is a delay of 75 days in presenting the memorandum of appeal.
2. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the statutory period, we are inclined to condone the delay in presenting the memorandum of appeal.
3. The application for condonation of delay is, thus, allowed without any order as to costs.
4. CAN 1 of 2023 is thus disposed of.

Re: MAT 1461 of 2023

1. We have heard the learned counsel appearing for the parties.

2. The decision of the writ petitioner not to pursue the writ petition being WP 26424(w) of 2008 appears to be fatal.

3. Since the Government order dated 1st January, 2010 would operate, the petitioner by the reason of the said order was engaged after cancellation of engagement of Ajoy Kumar Mondal in July 2011.

4. In view thereof, the appeal fails.

5. In view of the aforesaid, the appeal being MAT 1461 of 2023 stands dismissed.

6. In view of the dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 2 of 2023 and the same is accordingly dismissed.

7. However, there shall be no order as to costs.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar , J.)

(Soumen Sen, J.)

