

21.08.2023
SL No.9
Court No.8
(gc)

MAT 1286 of 2012
CAN 1 of 2013 (Old No: CAN 2826 of 2013)
CAN 2 of 2013 (Old No: CAN 2866 of 2013)

The State of West Bengal & Ors.
Vs.
Asit Kumar Bhattacharjee & Ors.

Mr. Rezaul Hossain,
...for the State/Appellants.

Re: CAN 1 of 2013
(Old No: CAN 2826 of 2013)

1. Sufficient cause being shown for not being able to prefer the appeal within the period of limitation. The delay of 144 days in preferring the memorandum of appeal is condoned.
2. Accordingly, the application for condonation of delay is allowed and disposed of.

Re: MAT 1286 of 2012
with
CAN 2 of 2013
(Old No: CAN 2866 of 2013)

3. The learned Counsel for the State submits that the order dated 9th February, 2012 passed by the learned Single Judge has been complied with and that the writ petitioner has received payment of interest on delayed payment of gratuity amounting

to Rs.26217/- vide Cheque No.430931 dated 5th April, 2012.

4. The learned Counsel for the State has also submitted that in view of compliance of the order dated 9th February, 2012, the payment of cost may be waived.
5. Considering the fact that the order dated 9th February, 2012 has now been complied with, the payment of cost is set aside.
6. The appeal succeeds in part.
7. The communication dated 7th August, 2023 from the Additional Treasury Officer, Burdwan Treasury No.I to the Assistant Director, Directorate of pension, Provident Fund & Group Insurance (W.B.), is taken on record.
8. Accordingly, the appeal and the application are disposed of.
9. However, there shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)