

23-11-2023
ct no. 13
Sl. 10
sp

WPA 20912 of 2023

Gopal Murmu

-Versus-

The Board of Trustees, Kolkata Port Trust & Ors.

Mr. Bhaskar Chandra Manna

...for the petitioner

Mr. Kallol Basu,

Mr. Ashok Kumar Jena

... for the KoPT

1. It appears that in terms of the order passed by a Co-ordinate Bench of this Court dated April 10, 2023 and June 15, 2023 in WPA 2880 of 2023, the petitioner was furnished with the original enlistment form in two parts.
2. Mr. Manna, learned counsel for the petitioner submits that his client has filled up the original form and submitted xerox copies of all documents to the respondents.
3. Learned counsel for the Port Trust Mr. Kallol Basu on instructions submits that the petitioner has only furnished the xerox copies of both forms and the accompanying affidavit.
4. Let fresh evidence of submission of the forms be produced before Mr. Ashok Kumar Jena,

learned counsel for the Port Trust by Mr. Manna on behalf of his client.

5. In view of a formal receipt having been issued by the Port Trust as evident from Form Nos. 1 and 2 produced in Court, there should be a presumption that the original forms have been submitted to the Port Trust.
6. This Court directs the Port Trust to act on the basis of the xerox copies of Form Nos. 1 and 2 and affidavit available to them in their records.
7. If so deem necessary, let another copy of Form Nos. 1 and 2 be made available to Mr. Manna by the Port Trust. Let the same be filled up afresh along with a fresh affidavit and be submitted in the original to Mr. Manna on behalf of his client.
8. The petitioner has already been enlisted in the Central list provisionally. The provisional enlistment shall be treated as final.
9. Nothing further remains to be adjudicated in the writ petition.
10. The writ petition is disposed of with a direction to offer the petitioner a job in the died-in-harness category as and when Central list is considered for being filling up any vacancy in terms of any scheme or rules in this regard.

11. There shall be no order as to costs.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)