

Item-37. 06-10-2023

sg Ct. 8

FMA 4540 of 2014

Kartick Kumar Chakraborty
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 today. The appeal is 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 28.08.2014. 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 considered the order under appeal. The writ petition was dismissed on the ground that the writ petitioner during his employment did not question the date of his appointment and had received all arrear benefits and made claim on the basis of the letter of appointment dated 28th May, 1997.
5. The writ petitioner having accepted the said position all throughout his service career, cannot raise objection after retirement with regard to matters that have been settled during his employment.

6. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.
7. The appeal is, accordingly, dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)