

Item-39. 06-10-2023

sg Ct. 8

FMA 4571 of 2014

Nisikanta Bhuniya
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 28.7.2014. 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 have read the judgement and order under appeal. The writ petitioner filed a writ petition for payment of arrear family pension. The father of the petitioner retired on 30th November, 1968 and breathed his last on 7th June, 1975. At that point of time, the Scheme of 1981 was not introduced. The mother of the petitioner died on 26th December, 2011. She did not pray for enjoying the above benefit after the introduction of the above rules.
5. On such background, the learned Single Judge declined to

admit the writ petition on the ground that there is no legally enforceable right which allows the petitioner to pray for any payment of arrear under the scheme.

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.)