

05 12.10.2023

FMA 3581 of 2015

Ct-08

**Madhusudan Mahapatra
Vs.
State of West Bengal & Ors.**

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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 on 6.10.2023. The appeal was appeared on 6.10.2023 and is again listed today. 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 27.8.2015. 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 appellant is not interested to proceed with the appeal.

4. Having regard to the fact that the petitioner on his own will exercised option to get benefit under ROPA 1990 and subsequently a coordinate bench held that in such case extension of 5 years in service is not permissible.

Therefore, the petitioner refunded the money paid to him for the period he served on extension.

5. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

5. In view of the above, the appeal is accordingly dismissed.

(Uday Kumar,J.)

(Soumen Sen, J.)

