

22.09.2023

**MAT 1884 of 2022
With
CAN 1 of 2022
With
CAN 2 of 2022**

**Manik Kumar Maiti & Ors.
Vs.
State of West Bengal & Ors.**

Mr. L.M. Basu

... ... for the appellants

Mr. Avishek Prasad

... ... for the State

Mr. Ratul Biswas

Mr. Kaushik Chowdhury

... ... for the Board

1. Sufficient cause being shown for not being able to file the memorandum of appeal within the period of limitation.
2. The delay of 13 days in filing the memorandum of appeal is condoned.
3. Accordingly, the application for condonation of delay is allowed and disposed of.
4. In view of the fact that the issue involved in this appeal has already been decided, we dispose of this appeal on the basis of the order passed by a co-ordinate Bench which extends the benefit to all persons similarly placed.
5. The appeal and the connected application stand disposed of on the basis of the judgement passed by the co-ordinate Bench dated 13th April, 2023 in MAT 1594 of 2018.
6. There will be no order as to costs.

7. Urgent certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Prasenjit Biswas, J.)

(Soumen Sen, J.)