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01.02.2023
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**In the High Court at Calcutta
In the Circuit Bench at Jalpaiguri**

M.A.T. 7 of 2023

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IA No. C.A.N. 1 of 2023

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C.A.N. 2 of 2023

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C.A.N. 3 of 2023

**Manager, Quality Control,
Food Corporation of India**

-Vs.-

Khagen Barman & Ors.

Mr. Jagriti Mishra,
Mr. Suman Saha,
Mr. Debangana Goswami
... for the appellant

Mr. Subhasish Misra
...for the respondent no. 1

The basic premise of the present appeal is that, although there was a personal bereavement in the family of the concerned officer of the Food Corporation of India (F.C.I.), which resulted in delay in filing the report as directed by the trial Court, the learned Single Judge imposed costs of Rs.25,000/- on the F.C.I.

Heard learned counsel appearing for the appellant.

The primary ground taken by the appellant for the delay in filing the report occasioned is that the wife of the concerned officer met her sad demise on December 26, 2022, that is, after the direction was passed.

Perused the documents annexed to the memo of appeal as well as the connected applications.

Although we find sufficient materials to observe that the demise of the lady indeed happened on December 26, 2022, we find from the impugned order that the initial direction for filing report was passed on November 28, 2022 and, thereafter on December 08, 2022.

Despite expressing full sympathy to the concerned officer of the F.C.I., we are unable to accept the ground taken by him and reduce the costs as imposed by the learned Single Judge, more so, because the concerned matter arises out of pensionary benefits. The humanitarian consideration for the pensioners who are deprived of for this delay, weighs much more than the personal bereavement of the officer concerned.

Moreover, since the flouted directions were passed much prior to the bereavement, we are unable to interfere with the impugned order, particularly keeping in mind the limited scope of an intra-court appeal.

Accordingly, M.A.T. 7 of 2023, along with all connected applications, are dismissed without, however, any order as to costs.

Since the cost has not been deposited in view of the pendency of appeal, the same shall now be deposited within seven days from date.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)