

19.07.2024
sayandeep
Sl. No. 17-20
Ct. No. 08

MAT 1426 of 2018
With
IA No. CAN 1 of 2015 (OLD CAN 248 of 2015)
IA No. CAN 2 of 2015 (OLD CAN 249 of 2015)
IA No. CAN 3 of 2015 (OLD CAN 250 of 2015)
IA No. CAN 4 of 2018 (OLD CAN 8942 of 2018)

Siddhartha Samanta
Vs.
State of West Bengal & ors.
With

MAT 1428 of 2018
With
IA No. CAN 1 of 2018 (OLD CAN 8934 of 2018)
Bidyut Kumar Panja
Vs.
State of West Bengal & ors.

With
MAT 1429 of 2018
With
IA No. CAN 1 of 2018 (OLD CAN 8944 of 2018)

Mithu Sengupta (Halder)
Vs.
State of West Bengal & ors.

With
MAT 1430 of 2018
with
IA No. CAN 1 of 2018 (OLD CAN 8945 of 2018)
Mojammel Molla
Vs.
State of West Bengal & ors.

Mr. Goutam Dey
Ms. Dipanwita Ganguly
Ms. Ankita Ghosh
Ms. Chaitali Das

..... for the appellant

Mr. Tapan Kr. Mukherjee. Ld AGP
Mr. Mrinal Kanti Ghosh

.... for the State

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey

.... for the DPSC,
Bankura

Mr. Samiran Giri

.... for the DPSC, Purba
Medinipur

Mr. Ratul Biswas

..... for WBBPE

In Re: MAT 1428 of 2018 and MAT 1430 of 2018

It is submitted by the counsel appearing for the appellant that during the pendency of the instant mandamus appeal, the appellants have attained the age of superannuation and, therefore, the original cause of action has elapsed and/or evaporated. It is further submitted that because of the subsequent event, the reliefs as originally claimed should be molded suitably so that the justice can be imparted to them.

The appearing authorities arraigned as a respondent in the instant appeal have unanimously echoed the same that the appellants have attained superannuation and the formalities which are required for disbursement of the retiral benefits as well as the pensionary benefits are required to be activated which would take some time.

The advocate appearing for the Council submits that the Council shall prepare all the necessary documents for the purpose of computation of the retiral benefits as well as pensionary benefits and shall forward the same to the DI of the concerned District for its further action to be taken thereupon who shall thereafter forwarded to a competent authority so that

the retiral and/or pensionary benefits are disbursed to the appellants.

In view of the stands taken by the respective advocates on the basis of an undisputed fact that the appellant has attained the age of superannuation during the pendency of the instant appeal, we, therefore, direct the authorities to complete the exercise as suggested hereinabove within six weeks from the date of the communication of this order.

Accordingly, both the appeals being MAT 1428 of 2018 and MAT 1430 of 2018 are disposed of without any order as to costs.

The connected applications are also disposed of.

In Re: MAT 1426 of 2018 and MAT 1429 of 2018

Let the other two appeals be listed on 23rd July, 2023.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)