

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Partha Sarathi Sen

**F.M.A. 740 of 2018
with
CAN 1 of 2017 (Old CAN 12057 of 2017)
CAN 2 of 2019 (Old CAN 5519 of 2019)**

**Goutam Maji @ Goutam Majhi
VS.
Union of India & Ors.**

For the Appellants : Sk. Mujibar Rahman
Mr. Shayak Mitra

For the Respondents : Mr. Souvik Nandi
Mr. Tarun Jyoti Tewari
Ms. Kausiki Bose

Heard on : July 9, 2024

Judgment on : July 9, 2024

PARTHA SARATHI SEN, J.:-

1. In this appeal, the order dated March 2, 2017 as passed by the learned Single Judge in W.P. 2496 (W) of 2012 has been assailed.

2. At the time of the hearing of the appeal, learned advocate for the appellant submits before this Court that though the learned Single Judge while disposing the said writ petition recorded that pursuant to an order dated April 24, 2022 as passed by a Coordinate Single Bench of this Court, the respondent authority had provided the writ petitioner with an alternative job since the writ petitioner suffered 25 per cent disability due to bilateral chronic simple glaucoma with diminution with visual field in right eye and by the selfsame order, the period of absence of the writ petitioner has also been regularized for pension and gratuity but the learned Single Judge, however, has made no favourable observation for disbursement of the entitlement of the writ petitioner during the period of his absence on account of his medial illness.

3. It is thus submitted on behalf of the appellant that the appeal may be allowed by directing the authority to disburse the said unpaid amount.

4. Such prayer has been opposed on behalf of the respondent.

5. On perusal of the order impugned, it reveals to us that the learned Single Judge while disposing the writ petition came to a categorical finding that the respondent authority completely misconstrued the order dated April 24, 2022 as passed by a Coordinate Single Bench of this Court for considering the representation of the writ petitioner/appellant herein and they have understood that the earlier Coordinate Bench being a Single Judge has

directed the authority to provide an alternative job which must be commensurate with his disability. In the impugned order, learned Single Judge has also noticed that though the writ petitioner was suffering from 20 per cent disability due to his aforementioned eye problem, the respondent authority not only provided him an alternative job and at the same time the respondent authorities have regularized the period of absence of the writ petitioner on account of his illness for the purpose of disbursement of pension and gratuity.

6. We also find from the order impugned that the learned Single Judge while disposing the writ petition further observed that the writ petitioner would be at liberty to seek appropriate relief before the appropriate forum in accordance with law.

7. We thus find that in the impugned order, learned Single Judge has decided not to disturb the benefit as already extended to the writ petitioner/appellant herein by the respondent authority even by misconception or misunderstanding of the order of the earlier Coordinate Single Bench, but the learned Single Judge has rightly refused to pass any favourable order for grant of the pay and allowances for the period of absence of the writ petitioner/appellant before us. However, the learned Single Judge had granted a liberty to the writ petitioner as discussed supra.

8. We are in agreement with the view taken by the learned Single Bench in not extending any further benefit to the writ petitioner since despite his 20 per cent visual disability, the writ petitioner/appellant was provided with alternative job and his period of absence has been regularized to facilitate disbursement of pension and gratuity as per his entitlement.

9. In view of such, we find no reason to interfere with the order impugned. The instant appeal being **F.M.A. 740 of 2018** is thus devoid of merit and is thus **dismissed** without any order as to costs.

10. With the dismissal of the appeal, all connected applications are disposed of.

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

(Partha Sarathi Sen, J.)

12. I agree

(Debangsu Basak, J.)

S.D.

