

24.04.2024.
Court No. 13
Item No. 52
ap

W.P.A. No. 1796 of 2024

**Madhu Sudan Baidya
Versus
The Union of India & Ors.**

Mr. Rajesh Naskar,
Md. Jannat Ul Firdous.

...For the petitioner.

Mr. Samrat Chowdhury.

...For the respondent no.3.

Mr. Dibashis Basu,
Mr. Debapriya Samanta.

...For the UOI.

1. Let the names of Mr. Samrat Chowdhury for the respondent no.3 and Mr. Dibashis Basu and Mr. Debapriya Samanta for the Union of India stand recorded as having appeared for the respective parties on 10th April, 2024.
2. The respondent Central Warehousing Corporation has submitted instructions, pursuant to the order dated 10th April, 2024 passed by this Court.
3. It appears that the petitioner was suspended from service for being arrested and detained in custody for more than 48 hours in connection with Durgachak Police Station Case No. 64 of 2001 dated 18th December, 2001. He was by an order dated 29th January, 2002 placed on suspension. The order of suspension was revoked on 18th July, 2002.
4. It appears from the records that the petitioner has since retired on 3rd May, 2010.

5. The writ petition would have normally been dismissed on the ground of delay and laches since the petitioner prays for arrears of salary for seven months from 30th December, 2001 till 18th July, 2002 for the first time in the year 2024.
6. However, this Court takes a lenient view of the matter given the fact that the petitioner was a Chowkidar and has retired from service.
7. Admittedly, no subsistence allowance or any amount was paid to the writ petitioner during the seven months of suspension.
8. In those circumstances, this Court directs the Central Warehousing Corporation to pay full salary to the petitioner for the said seven months period or the subsistence allowance if payable under the Central Warehousing Corporation (Staff) Regulations, 1986, without any interest, within a period of two months from the date of receipt of a copy of this order.
9. With the aforesaid directions, the instant writ petition shall stand disposed of.
10. There will be no order as to costs.
11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

