

2
08.01.2025
Ct. No. 11
rrc

FMA 312 of 2024
with
IA No. CAN 2 of 2024
(Food Corporation of India & Ors. Vs. Abasarprapt
Bharatiya Khadyanigam Karmachari
Kalyan Samity & Ors.)

Mr. Shyamal Mukherjee
Mr. B. K. Singh
Mr. Barun Ghosh
Mr. Jayanta Mitra
Mr. Kamal Kumar Chattopadhyay
.... For the appellants

Mr. Debdeep Sinha
..... For the respondent nos. 1 & 2

Mr. Dipak Banerjee
..... For the respondent nos. 3 to 46

Mr. Bishwambhar Jha
Mr. H. K. Jha
..... For the Union of India

Records reveal that the writ petitioners being the respondent nos. 1 and 2 herein preferred a writ petition being WPA 19056 of 2011, *inter alia*, praying for issuance of necessary direction upon the Food Corporation of India (hereinafter referred to as the FCI) to extend the benefit of Liberalised Pension Scheme, as formulated by the Central Government on the recommendation of the Fourth Pay Commission, to all the retired employees of the FCI, as extended to the employees absorbed from the Central Government Service.

By the order dated 20th December, 2023 impugned in the appeal, the learned single Judge added the Ministry of Personnel, Public Grievance and Pension, Government of India represented by the Secretary and the Ministry of Consumer Affairs, Food and Public Distribution, Government of India represented by the Secretary as respondents to the writ petition, with a further direction upon them to file a report which would be essential for adjudication of the matter. Aggrieved by the said order, FCI and its functionaries preferred the present appeal.

A coordinate Bench of this Court disposed of the appeal by an order dated 9th April, 2024 directing that the added respondents would be at liberty to include any other matter which the said respondents would feel necessary for proper, better and effective adjudication of the issues raised by the learned single Judge and to file a report in the form of an affidavit within three weeks from date upon prior service to all the appearing parties.

Subsequent thereto, the writ petitioners preferred the application being CAN 2 of 2024 in connection with the appeal averring *inter alia* that in spite of a specific direction as no report has been filed by the added respondents, necessary directions may be issued upon the learned single Judge to hear and decide the writ petition upon considering the communication dated 2nd

February, 2024 issued by the Under Secretary to the Government of India, Ministry of Consumer Affairs, Food & Public Distribution.

In course of hearing of the present application, the learned advocate appearing on behalf of the added respondents in the writ petition submits that in compliance with the order dated 9th April, 2024, a report in the form of an affidavit has already been prepared. Let a photocopy of the said report, as filed, be kept on record. Copies of the same have been handed over to the learned advocates appearing for the applicants/appellants and FCI.

As in compliance with the order dated 9th April, 2024, the report has already been filed, no further interference is called for in the present application.

The original report as placed before us has been returned to the learned advocate appearing for the added respondents to enable him to file the same before the learned single Judge.

The learned advocate appearing for the added respondents submits that the original report shall be filed before the learned single Bench as and when the writ petition is taken up for hearing.

The writ petitioners/respondents herein would now be at liberty to mention the matter before the learned single Judge for final hearing.

With the above observations and directions, the application being CAN 2 of 2024 is disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)