

14 09.04.2024

Ct-08

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MAT 364 of 2024

with

IA No. CAN 1 of 2024

CAN 2 of 2024

Santanu Dasgupta

Vs.

Union of India, Misnistry of Steel & Ors.

Mr. Gautam Brahma

Mr. Tarapada Das

Mrs. Pampa Dey

Mr. Amit Singh

... For the Appellant

Mr. Anil Kumar Gupta

Ms. Aishwarya Rajyashree

... For Union of India

Mr. Shiv Shankar Banerjee

Mr. Nilarnab Paul

... For the Respondent nos. 2 to 7

Re: CAN 2 of 2024(Section 5)

1. There is a delay of 37 days, as reported by Stamp Reporter's in the report dated 26.02.2024, in presenting the memorandum of appeal.
2. We are satisfied with the explanations offered in the said application for not being able to file the memorandum of appeal within the statutory period, we are inclined to condone the delay in presenting the memorandum of appeal.
3. The application for condonation of delay is thus allowed without any order as to costs.
4. CAN 2 of 2024 is thus disposed of.

Re: MAT 364 of 2024

1. We have heard the learned counsel appearing for the parties.

2. In view of the fact that the appellant has tendered resignation on 1st August, 2022 and that was accepted by the respondents following which the appellant/writ petitioner has received terminal benefit of Rs.6,54,817.02/-, we are not inclined to interfere with the order passed by the learned Single Judge.

3. The issue with regard to the maintainability of the writ petition is left open. We have been informed that the said issue is pending before the learned Single Judge.

4. In view of the above, the appeal fails.

5. MAT 364 of 2024 stands dismissed.

6. In view of dismissal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2024 and the same is accordingly dismissed.

7. However, there shall be no order as to costs.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Uday Kumar, J.)

