

03.07.2024
Item No.4 & 5
Ct. No.26
CHC
(disposed of)

M.A.T. 521 of 2020
(CAN 3/2020) not in file
IA NO: CAN/1/2020 (Old No:CAN/5544/2020)
CAN/2/2020(Old No:CAN/5546/2020)

Calcutta State Transport Corporation & ors.
Vs.
Geni Kumar Saha & ors.

with

M.A.T. 522 of 2020
(CAN 3/2020) not in file
IA NO: CAN/1/2020 (Old No:CAN/5548/2020)
CAN/2/2020(Old No:CAN/5549/2020)

Calcutta State Transport Corporation & ors.
Vs.
Nimkanta Maiti & ors.

Mr. Amal Kumar Sen, Advocate
Mr. Sabyasachi Mondal, Advocate
...for the appellants

Mr. Soumitra Banerjee, Advocate
Mr. Rabindra Nath Chakraborty, Advocate
...for the respondents

There are two applications for condonation of delay.

For the ends of justice, considering the averments made in the petitions and considering that, the appeal was filed during COVID period, we condone delay in filing the appeal.

Two appeals are taken up for analogous hearing as they involved same issues.

It is submitted at the bar that, all papers used before learned Single Judge are available on record in the appeal.

Two appeals are heard in presence of the learned advocates for the respective parties.

Learned advocate appearing for the appellants submits that, four writ petitions were initially filed seeking similar reliefs namely, *W.P. No. 32861(W) of 2014 (Bimal Chandra Roy & ors. –versus- The State of West Bengal & ors.)* which was disposed of by the learned Single Judge on September 27, 2019. Three other writ petitions were considered by the learned Single Judge which resulted in the impugned judgment and order. He submits that, out of the three writ petitions taken up for consideration and one writ petition was dismissed. Two writ petitions were allowed. Against such impugned judgment and order, two were partially allowed.

Being aggrieved, two appellants were preferred by the appellants.

Learned advocate appearing for the appellants submits that, the impugned judgment and order proceeds on the basis of the direction issued by the learned Single Judge in *Bimal Chandra Roy & ors. (Supra)* dated September 27, 2019. Such judgment and order was allowed in M.A.T. 1671 of 2019 with CAN 1 of 2020 (Old No. CAN 1024 of 2020). Such

appeal was allowed by a judgment and order dated March 11, 2021. Consequently, he submits that the present appeals should also be allowed in terms of the judgment and order dated March 11, 2021 of the Division Bench.

Learned advocate appearing for the private respondents submits that, a Special Leave Petition was preferred against the judgment and order dated March 11, 2021 passed in M.A.T. 1671 of 2019 and that, Special Leave Petition was still pending.

As on date, we are bound by the judgment and order dated March 11, 2021 passed by the coordinate Bench in M.A.T. 1671 of 2019. Learned Single Judge followed His Lordship's own judgment and order dated September 27, 2019 passed in *W.P. No. 32861 (W) of 2014* while disposing of the three writ petitions before His Lordship resulting in the impugned judgment and order before us. Since, the coordinate Bench set aside the judgment and order dated September 27, 2019 passed in *W.P. No. 32861(W) of 2014* by the judgment and order dated March 11, 2021 passed in an appeal, we are bound by such judgment and order of the coordinate Bench. Consequently, we set aside the impugned judgment and order dated January 24, 2020.

M.A.T. 521 of 2020 and M.A.T. 522 of 2020
along with all connected applications are disposed of
accordingly without any order as to costs.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)