

30.08.2024
Item No.5
Daily List
Ct. No.26
CHC

**WPA 13721 of 2021
IA NO: CAN/1/2024
CAN/2/2024**

**Sovan Kundu
Vs.
The State of West Bengal & ors.**

Mr. Kaustav Chandra Das, Advocate
Sk. Sahjahan Ali, Advocate
....for the applicant/petitioner

Mr. Bhaskar Prasad Vaisya, Ld. A.G.P.
Mr. Suman Dey, Advocate
...for the State

1. CAN/2/2024 is an application for condonation of delay in making and filing CAN/1/2024.

2. For the ends of justice causes shown in the application are accepted as sufficient. Delay condoned.

3. CAN/1/2024 seeks recalling of a specific portion of the judgment and order dated April 22, 2024.

4. Learned advocate appearing for the applicant submits that, WPA 13721 of 2021 filed by his client relates to higher scale of pay and was never the subject-matter of the appeals and other writ petitions which were disposed of by the judgment and order dated April 22, 2024 in terms of the order of the Hon'ble Supreme Court dated November 9, 2023.

5. State is represented.

6. The error in the judgment and order dated April 22, 2024 pointed out is apparent on the face of the record.

7. We decided the scope and ambit of the proceeding in terms of the order dated November 9, 2023 passed by the Hon'ble Supreme Court. Subject-matter of WPA 13721 of 2021 did not fall within the parameter of the matters required to be decided in terms of the order dated November 9, 2023 passed by the Hon'ble Supreme Court.

8. We erroneously included WPA 13721 of 2021 in the list of writ petitions which were disposed of by us, in paragraph 364 of the judgment and order dated April 22, 2024.

9. In such circumstances, WPA 13721 of 2021 be deleted from paragraph 364 of the judgment and order dated April 22, 2024 and placed in paragraph 366 after WPA 8536 of 2020.

10. Department will incorporate necessary corrections in the judgment and order dated April 22, 2024.

11. In view of the directions above, CAN/1/2024 and CAN/2/2024 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)