

20.03.2026

Item No.11

Ct. No.236
dc.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. 13486 of 2009

+

CAN 3 of 2024

+

CAN 4 of 2025

+

CAN 5 of 2025

**Dr. Ranjan Ghosh
versus
Union of India & Ors.**

Mr. Shamit Sanyal,
Ms. Sanchayita De,
Mr. A. Chakraborty ... For the Petitioner.

Mr. Ajay Gaggar,
Mr. Narendra Prasad Gupta ... For the Union of India.

Mr. Debdutta Dutta,
Ms. Deblina Banerjee
... For the Respondent Nos. 3, 4, 5 & 7.

Re: CAN 5 of 2025
(an application for condonation of delay)

1. This is an application for condonation of delay of 39 days in preferring CAN 4 of 2025 which is an application for restoration of the original writ petition along with CAN 3 of 2024 by recalling the order of dismissal dated 13.12.2024 as passed by a Coordinate Bench of this Court.
2. At the time of hearing, Mr. Chakraborty, learned advocate appearing for the petitioner duly led by Mr. Sanyal, learned advocate (in virtual mode) submits before this Court that from paragraph No.4 of CAN 5 2025 it would reveal that this is the specific case of the writ

petitioner that for some reason or other the present writ petitioner took no objection from his erstwhile learned advocate in November, 2024 and on account of financial crunch, he could not appoint any other learned advocate soon thereafter and as a result whereof, the petitioner remained unrepresented on 13.12.2024.

3. It is submitted further that subsequently the petitioner came to learn about the dismissal of the instant writ petition and then only, he approached a new advocate and thus the delay.
4. It is further submitted that for the selfsame reason the interlocutory application being CAN 4 of 2025 is filed with a prayer for recalling of the order dated 13.12.2024.
5. Such prayer is vehemently opposed by Mr. Gaggar, learned advocate appearing on behalf of the Union of India. It is submitted that from the materials placed before this Court it would reveal that while in service, the present writ petitioner opted for contributory provident fund. It is further submitted that it is the candid admission of the writ petitioner that at the time of retirement, the respondent authorities have released all retiral benefits to the writ petitioner other than the pension. It

is thus submitted that the alleged financial crunch, as highlighted before this Court, is nothing but a myth.

6. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court considers that the writ petitioner is successful in establishing that on account of some financial crunch, he could not appoint his new advocate within time. Thus, the delay in filing the application for restoration i.e. CAN 4 of 2025 is hereby condoned.

7. Consequently, the application being CAN 5 of 2025 is allowed and disposed of.

Re: CAN 4 of 2025

(an application for restoration and/or recalling)

8. This is an application for recalling of the order dated 13.12.2024 as passed in WPA 13486 of 2009.

9. On careful perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court is satisfied that the petitioner is successful in making out a case to justify his absence on 13.12.2024 before a Coordinate Bench of this Court when the aforementioned writ petition is taken up for hearing.

10. As such, the prayer is allowed.

11. Accordingly, the order dated 13.12.2024 as passed in WPA 13486 of 2009 is hereby recalled.
12. Consequently, WPA 13486 of 2009 along with CAN 3 of 2024 are restored to its original file and number.
13. With the aforementioned observation, CAN 4 of 2025 is allowed subject to payment of cost of Rs.1,000/- (Rupees One Thousand) which is to be deposited by the petitioner with the office of the Law Clerks' Welfare Trust Board, High Court at Calcutta within 14 (fourteen) working days from today.

Re: WPA 13486 of 2009
with
CAN 3 of 2024

14. Let this matter be listed on April 24, 2026 under the heading "For Hearing".
15. On the adjourned day, the writ petitioner is directed to file proof of deposit of cost.
16. Learned advocate-on-record for the petitioner is requested to serve copies of the writ petition to the learned advocate for the Union of India within seven working days from today.
17. Liberty to mention.

(Partha Sarathi Sen, J.)