

**23.09.2024**  
**D.L.2**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 18866 of 2024**

**Smt. Joyee Roy (Ghosh)**  
**Vs.**  
**The Union of India & Ors.**

Mr. Subrata Kumar Dutt,  
Mr. Koustava Ratan Chatterjee  
....for the petitioner.

Ms. Rashmi Bothra,  
Mr. Atanu Basu  
....for Union of India.

Mr. Dhruv Surana,  
Ms. Pooja Yadav  
....for the respondent nos. 2 to 6.

The petitioner prior to her service being terminated was a Senior Technical Assistant in Victoria Memorial Hall, Kolkata. The petitioner's service was terminated by an order dated 7<sup>th</sup> February 2024. The petitioner says that she has a right to prefer a statutory appeal in terms of the applicable provisions of the service rules. The petitioner had filed a statutory appeal on 14<sup>th</sup> March, 2024, but till now the Appellate Authority has not been constituted, as a consequence whereof the petitioner's appeal still remains pending. The petitioner says that the petitioner is entitled to know the fate of her appeal, and as such seeks necessary direction for expeditious hearing of the appeal.

On behalf of Victoria Memorial Hall, Kolkata, it is submitted that the matter has been placed before the Hon'ble Governor who is empowered to constitute the Appellate Authority with the members of the Board which comprises of 11 members and includes the Hon'ble Chief Justice of this Court. It is further submitted by the respondents that a meeting of the Board of Trustees is scheduled to be held in the month of October, 2024 when the case of the petitioner is likely to be considered.

It is well-settled principle of law that no one can be left without a remedy. It is also equally settled principles of law, if the substantive law does not provide for any remedy it is for the Court to devise mechanism to grant remedy to the concerned person.

After hearing the petitioner and the respondents, this writ petition is disposed of by directing the administration of Victoria Memorial Hall, Kolkata to get the petitioner's appeal being placed for consideration before the Board in the meeting scheduled in October, 2024 so that the same can be heard and disposed of as expeditiously as possible.

The writ petition is accordingly disposed of.

It is submitted by the learned advocate for the petitioner that till now the post which was occupied by the writ petitioner prior to her service being

terminated by an order of the disciplinary authority is vacant. It is expected that the said post, if is lying vacant till now shall be filled up at the discretion of the employer subject to the result of the appeal. The appointment to fill up such post shall clearly state this fact.

Since I have not gone into the merits of the matter and also did not call for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Arindam Mukherjee, J.)**