

03.01.2024
Item No.5
Ct. No.1
PG/KS

MAT 2064 of 2023
With
IA No. CAN 1 of 2023
With
CAN 2 of 2023
Aloke Kumar Bhattacharya
Vs.
The District Magistrate, Krishnanagar & Ors.

Mr. Syed Ariff Ahmed
.....For the Appellant
Mr. Sunit Kumar Roy
.....For the College Authority
Mr. Amal Kumar Sen
Mr. Lal Mohan Basu
.....For the State

In Re.: IA No. CAN 1 of 2023

1. We have heard the learned advocates for the parties.
2. There is delay of 15 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.
3. I.A. No. CAN 1 of 2023 is allowed and the delay in filing the appeal is condoned.

In Re.: MAT 2064 of 2023

4. This intra-Court appeal by the writ petitioner is directed against an order dated 25th August, 2023 in CAN 1 of 2018 (Old CAN No.9931 of 2018) and CAN

No.3 of 2019 (Old No. CAN 7485 of 2019) in WPA No.12580 of 2018.

5. The appellant/writ petitioner is stated to have acted as an Auditor of the Krishnagar Women's College, Nadia and according to him, the remuneration payable to him for the services rendered was not settled. The claim made by the appellant/writ petitioner was to the tune of Rs.55,000/-. The writ petition was disposed of on 3rd October, 2018 recording that during the pendency of the writ petition, a sum of Rs.55,000/- has been transferred to the appellant's bank account and therefore, it was recorded that the writ petitioner has no further grievance. Subsequently, an application was filed to pass appropriate orders. This has been dismissed by the learned writ Court imposing cost of Rs.10,000/-. Aggrieved by the same, the appellant has filed the present appeal.

6. We have heard the learned advocate for the appellant, the learned Senior Standing Counsel for the State and the learned advocate for the College.

7. Considering the peculiar facts and circumstances of the case, though the reasoning given by the learned writ Court cannot be faulted, we are of the view that since the appellant takes a specific stand that a sum of Rs.55,000/- has not been paid to him or transferred to his bank account, we grant liberty to

the appellant to submit a detailed representation to the respondent/college. Such representation alongwith the statement of accounts shall be presented before the Secretary/Principal of the College by the appellant by going over to the college in person. If that representation is submitted, the same shall be considered and if the college authorities have proof to show that the amount of Rs.55,000/- has been transferred to the appellant's bank account, copy of such acknowledgement or bank statement be furnished to the appellant/writ petitioner alongwith an appropriate reply. The appellant is directed to submit such representation within two weeks from the date of receipt of server copy of this order and the same shall be considered in terms of the above direction by the respondent/college within a period of two weeks thereafter.

8. Considering the facts and circumstances of the case, the cost of Rs.10,000/- imposed on the appellant is set aside.

9. With the above observations and directions, the appeal and the connected application (CAN 2 of 2023) stand disposed of.

10. No costs.

11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(SUPRATIM BHATTACHARYA, J.)