

01.02.2024
SSS (10)

WP. CT 384 of 2013
[Assigned]
With
CAN 1 of 2014
(Old No: CAN 7564 of 2014)

Union of India and Ors.
Vs.
Bibek Ranjan Roy

Mr. D. N. Ray
Mr. Rajesh Kumar Shah, Advs.
.....for the Petitioners.

Mr. Debajyoti Basu,
Mr. Barun Chatterjee,
Mr. Dibyendu Ghosh, Advs.
.....for the Respondent.

By passage of time the whole complexion of this writ application has changed.

Here, what was challenged was the final judgment and order of the tribunal dated 31st January, 2013 passed in the Original Application (OA) No. 1611 of 2009. That order, inter alia, directed reinstatement of the writ petitioners' service with grant of consequential benefits to him with liberty to the employer to take fresh action against him.

This order of the tribunal has been complied with by the petitioners, now more than 10 years ago. However, no fresh proceeding has been drawn up. Consequential benefits have been paid up to the date of the judgment of

the tribunal.

Considering this conduct on the part of the petitioners and the long passage of time, we dispose of this appeal by observing that it has become substantially infructuous by the petitioners' compliance with the order of the tribunal in the above manner and with the passage of time. Now, that after 10 years no steps have been taken against the respondent, we direct that no further steps are to be taken against him with regard to the alleged charges in the subject disciplinary proceedings.

All unpaid consequential and other benefits from the date of the tribunal's order till date are to be released to the respondent. We also add that his period of suspension is to be treated as one where the respondent would be deemed to be on duty.

We dispose of the appeal and application (CAN 1 of 2014) accordingly.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]