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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

RVWO 38 of 2024 with
APO 202 of 2019
IA GA 1 OF 2024
THE BOARD OF TRUSTEES, KOLKATA PORT TRUST AND ORS.
Versus
ABHISHEK MUKHERJEE

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
AND
The Hon'ble JUSTICE MD. SHABBAR RASHIDI
Date : 17th September, 2024.

Appearance :
Mr. Abhrajit Mitra, Sr.Adv.
Mr. Ashok Kumar Jena, Adv.
...for the appellants
Mr. Soumya Mazumdar, Adv.
Ms. Ashmita Chakraborty, Adv.
Mr. Joydeep Mishra, Adv.
...for the Respondent
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The Court: Review applicants seek review of the order dated July 18, 2024 passed in two appeals.

Learned senior advocate appearing for the review applicants draws attention of the Court to the directions given in the order under review. He submits that since no gratuity was payable and since the private respondent was not entitled to any leave encashment, direction (i) was immaterial.

Moreover, there was a second disciplinary proceeding pending as against the private respondent and that challenge to the second disciplinary proceeding in a writ petition filed by the private respondent failed. He submits that the review applicants should be permitted to take the second disciplinary proceeding to its logical conclusion.

Private respondent is represented.

The order dated July 18 2024 was passed after the directions that we proposed to pass were discussed on a number of days in open Court.

Since the review applicants were the appellants and since there were Article 12 authorities and since, such Article 12 authorities found it inconvenient to grant express consent, we took upon our shoulder the responsibility of passing the directions as contained in the order under review.

Essentially, order under review was passed after elaborate discussion and to our understanding without any opposition from the appellants at that point of time, although formal consent was not recorded. The issue as to the second disciplinary proceeding was taken into consideration. The private respondent is a doctor by profession. He does not want to continue with his employment with the appellant no. 1. He tendered his resignation. The charges as against him were, to our mind, sufficiently frivolous so as not to impede the

acceptance of the resignation tendered by the private respondent. We wanted a quietus to the acrimonious litigations.

In such circumstances, we issued the direction as contained in the order under review.

In view of the above, we are unable to allow the review. RVWO 38 of 2024 is disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)

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