

21.03.2025
Item No.2
Ct. No. 30
Aloke

WPA 5598 of 2025

Nakul Das
Vs.
The State of West Bengal & Ors.

Mr. Bikash Shaw
... for the petitioner

Ms. Amrita Pandey
Ms. Bipasha Jaiswal
... for the private respondent

Mr. Indranil Roy
Ms. Rupannita Laha
... for the State

Affidavit-of-service filed be kept with the
record.

The present writ application has been
preferred on the ground that the petitioner's prayer
for gratuity was dismissed for non-appearance of the
petitioner on 04/10.02.2020.

Learned counsel for the private respondent
submits that the plea taken by the learned counsel
for the petitioner of the COVID pandemic is not
correct as on the said date the COVID pandemic had
not started.

The petitioner's contention is that his
application for restoration of the said gratuity case
and recall of the order dated 04/10.02.2025 has not
been considered by the Controlling Authority till date.
On the other hand, the learned counsel for the private
respondent on filing a list of dates and an order dated

21.06.2024 has brought to the notice of this Court that the restoration application has been disposed of by the authority and his prayer has not been considered. Copy of the said order has been served upon the learned counsel for the petitioner.

In view of the said facts, the writ application is disposed of with the direction that as the present writ application has now become infructuous the same is disposed of as infructuous on granting liberty to the petitioner to avail of the provision of appeal, if it is available to him. In case such a forum is available to the petitioner the period of limitation as laid down in the Act shall be counted from this date.

WPA 5598 of 2025 is accordingly disposed of.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)