

28.04.2025
Ct. No.33
Sl. No.21 to 23
cm

WPA 20092 of 2009
Nabagopal Mukherjee & Ors.
Vs.
State of West Bengal & Ors.
With
WPA 6024 of 2010
Moni Kumar Kabiraj & Ors.
Vs.
State of West Bengal & Ors.
With
WPA 7200 of 2010
Narayan Chandra
Vs.
State of West Bengal & Ors.

Sk. Susanta Pal

... for the respondent No.5

In Re: WPA 20092 of 2009

None appeared to represent the petitioner.

The learned advocate representing the respondent Nos.5 stating that in compliance with the order dated 29th July, 2016 in Special Leave to Appeal (C) No. 19240/2016. The Supreme Court had directed the concerned company to maintain status quo with regard to the age of attaining superannuation. However, the petitioners received their benefits on 7th January, 2010, 9th January, 2010, 15th January, 2010 and 9th October, 2017 respectively. The relevant documents marked as annexures endorsed the report of the respondent No.5/company. Let the said affidavit be kept on record.

The prayer in the writ petition is *inter alia* replicated as follows:

(a) *An order dispensing with the requirements of service of notice under Rule 26 of the writ rules;*

- (b) *A writ of in the nature of Certiorari commanding the respondents and/or their servants and/or their employees and/or their agents to certify and transmit to this Hon'ble Court the records of the case including the letters bearing no. MCM/09-10/215, 216,217 and 218 all dated 29.10.2009 being annexure "P-3" herein, so that conscionable justice may be administered by quashing the same;*
- (c) *A writ of or in the nature Mandamus commanding the respondents their servants and/or their employees and/or their agents to rescind, recall, revoke and/or withdraw the letters bearing no. MCM/09-10/215, 216,217 and 218 all dated 29.10.2009 being annexure "P-3" herein, and to forbear from giving any effect or further effect to the same;*
- (d) *A writ of or in the nature of Mandamus commanding the respondents their servants and/or their employees and/or their agents to act in accordance with the Memo no. 4040(85) dated 27.05.1998 and enhance the age of retirement of the petitioners from 58 years to 60 years.*
- (e) *Any other appropriate writ or writs order or orders, direction or directions.*

However, in view of the receipt of retirement benefits which had been disbursed by the company and on acceptance of the same the instant writ petition had become infructuous.

Accordingly, the instant writ petition is disposed of.

In Re: WPA 6024 of 2010

None appeared to represent the petitioner.

The learned advocate representing the respondent Nos.5 stating that in compliance with the order dated 29th July, 2016 in Special Leave to Appeal (C) No. 19240/2016. The Supreme Court had directed the concerned company to maintain status quo with regard to the age of attaining superannuation. However, the

petitioners received their benefits on 8th May, 2010 and 12th May, 2010 respectively. The relevant documents marked as annexures endorsed the report of the respondent No.5/company. Let the said affidavit be kept on record.

The prayer in the writ petition is *inter alia* replicated as follows:

- (a) *An order dispensing with the requirements of service of notice under Rule 26 of the writ rules;*
- (b) *A writ of in the nature of Certiorari commanding the respondents and/or their servants and/or their employees and/or their agents to certify and transmit to this Hon'ble Court the records of the case including the letters bearing no. MCM/09-10/289, 291 all dated 10.02.2010 being annexure "P-3" herein, so that conscionable justice may be administered by quashing the same;*
- (c) *A writ of or in the nature of Mandamus commanding the respondents their servants and/or their employees and/or their agents to rescind, recall, revoke and/or withdraw the letters bearing no. MCM/09-10/289, 291 all dated 10.02.2010 being annexure "P-3" herein, and to forbear from giving any effect or further effect to the same;*
- (d) *A writ of or in the nature of Mandamus commanding the respondents their servants and/or their employees and/or their agents to act in accordance with the Memo no. 4040(85) dated 27.05.1998 and enhance the age of retirement of the petitioners from 58 years to 60 years.*
- (e) *Any other appropriate writ or writs order or orders, direction or directions.*

However, in view of the receipt of retirement benefits which had been disbursed by the company and on acceptance of the same the instant writ petition had become infructuous.

Accordingly, the instant writ petition is disposed of.

In Re: WPA 7200 of 2010

None appeared to represent the petitioner.

The learned advocate representing the respondent Nos.5 stating that in compliance with the order dated 29th July, 2016 in Special Leave to Appeal (C) No. 19240/2016. The Supreme Court had directed the concerned company to maintain status qua with regard to the age of attaining superannuation. However, the petitioners received their benefits on 21st May, 2010. The relevant documents marked as annexures endorsed the report of the respondent No.5/company. Let the said affidavit be kept on record.

The prayer in the writ petition is *inter alia* replicated as follows:

- (a) *An order dispensing with the requirements of service of notice under Rule 26 of the writ rules;*
- (b) *A writ of in the nature of Certiorari commanding the respondents and/or their servants and/or their employees and/or their agents to certify and transmit to this Hon'ble Court the records of the case including the letters bearing no. MCM/09-10/338 dated 27.03.2010 being annexure "P-3" herein, so that conscionable justice may be administered by quashing the same;*
- (c) *A writ of or in the nature of Mandamus commanding the respondents their servants and/or their employees and/or their agents to rescind, recall, revoke and/or withdraw the letters bearing no. MCM/09-10/338 dated 27.03.2010 being annexure "P-3" herein, and to forbear from giving any effect or further effect to the same;*
- (d) *A writ of or in the nature of Mandamus commanding the respondents their servants and/or their employees and/or their agents to act in accordance with the Memo no. 4040(85) dated 27.05.1998 and enhance the age of retirement of the petitioners from 58 years to 60 years.*
- (e) *Any other appropriate writ or writs order or orders, direction or directions.*

However, in view of the receipt of retirement benefits which had been disbursed by the company and on acceptance of the same the instant writ petition had become infructuous.

Accordingly, the instant writ petition is disposed of.

(Ananya Bandyopadhyay, J.)