

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

24.06.2025

Ct. no.2
Daily List Sl. No. 08
Moumita

WPA 9820 OF 2025

**Shri Basudev Nandi
Vs.
Damodar Valley Corporation & Ors.**

**Mr. Puspall Chakraborty
Ms. Prishanka Ganguly
Mr. Sachindra Mohan Mondal**

.... For the Petitioner

**Ms. Priyanka Tibrewal
Mr. Guddu Singh**

....For the Respondent no. 5/Union of India

Mr. Puspall Chakraborty, learned advocate with Ms. Prishanka Ganguly, learned advocate appears for the petitioner.

Mr. Guddu Singh, learned advocate led by Ms. Priyanka Tibrewal, learned advocate appears for the respondent no. 5/Union of India.

None appears for DVC. Though the last order dated **May 7, 2025** shows DVC was represented.

The last order dated **May 7, 2025** also reflects the issues raised by the court, required to be decided.

The petitioner claims an alleged promotional benefit by virtue of an office order dated **November 24, 2020**, according to the petitioner identical benefits were granted to the employees who were junior to the petitioner in service. However, the petitioner retired on **April 30, 2020**. A detail representation was submitted on **February 13, 2025 annexure p-9 at page 68** to the

writ petition, through the letter of a learned advocate. The said representation has not yet been considered.

Considering the issue in the instant writ petition, it appears to this court that no fruitful purpose shall be served by waiting for the representation of DVC before this court. The representation can be directed for its disposal.

In view of the above, this court has been informed that respondent no. 4 is the appropriate authority.

The petitioner shall serve a copy of the complete set of writ petition along with a copy of the previous order dated **May 7, 2025** and a copy of today's order upon the respondent no. 4 forthwith.

After receiving the said communication from the petitioner, the respondent no. 4 upon issuing a prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing shall decide the said representation of the petitioner dated **February 13, 2025, annexure p-9 at page 68** to the writ petition, by passing a reasoned order in accordance with law.

It is needless to mention that the petitioner shall be entitled to participate in the hearing along with his duly authorized representation.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and

documents he wishes to rely upon before the respondent no. 4, but the same shall not travel beyond the scope of the said representation dated **February 13, 2025**.

While deciding the issue the respondent no. 4 shall be at liberty to peruse the writ petition. The respondent no. 4 shall also decide the issues raised by the court as recorded in the said order dated **May 7, 2025**.

This entire exercise shall be carried out and completed by the respondent no.4 positively within a period of **eight weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner within a further period of **one week** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, the appropriate authority of DVC shall give an immediate effect thereto in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

It is also made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim including the issues mentioned in the said order dated **May 7, 2025** before the respondent no. 4 strictly in accordance with law.

The petitioner shall be at liberty to file a written notes before the respondent no. 4 within the time frame to be framed by the respondent no. 4.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 9820 of 2025** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)