

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

Present:

The Hon'ble Justice Madhuresh Prasad

AND

The Hon'ble Justice Supratim Bhattacharya

W.P.S.T 182 of 2024

Sunirmal Adhikary

Vs.

The State of West Bengal and Ors.

For the petitioners : Mr. Piush Chaturvedi, Sr. Adv.
Mr. Tarun Kumar Das
Mr. Sujit Bhunia

For the State : Mr. Tapan Kr. Mukherjee, Ld. AGP.
Ms. Sangeeta Roy

For the Respondent No. 7 : Ms. Tapasi Sinha Palit

Heard on : 29.01.2025

Judgment on : 29.01.2025

MADHURESH PRASAD, J.:

1. We have heard learned counsel for the petitioner and the learned counsel for the State.
2. The petitioner retired on 31st July, 2019 from the post of Amin. According to him he was deprived of increment benefit under the

Career Advancement Scheme, benefits of ROPA and some arrears of salary.

3. It was also his grievance that his pension and pensionary dues have not been paid as per his entitlement. The Tribunal upon consideration of the issue found that regularization of 1002 days of unauthorized absence was pending before the Authorities. The Tribunal thus directed initiation of process for regularization of this 1002 days of unauthorized absence and follow up action for release of pension and other pensionary benefits, if found eligible, within six months from the date of the communication of the order.
4. Pursuant to the said order and during pendency of the present proceedings authorities have come out with an order deciding the pending claim for regularization of 1002 days of unauthorized absence. The parties are thus ad idem that payment/s of the petitioner's claim for all above heads now is required to be considered in terms of the decision of the authorities.
5. As per instructions dated 10th December, 2024 of the learned State counsel which has been handed over to the Court and is being kept on record. A copy of the order has also been made available to the learned counsel for the petitioner.
6. Since the pending issue regarding the petitioner's claim for regularization for 1002 days of unauthorized absence is not

complete. The learned counsel for the petitioner submits that the order of the Tribunal is required to be modified by adding a direction for release of the legally admissible dues, if any, under the above heads.

7. We consider such prayer of the petitioner to be well unfounded. In view of the fact that regularization is a subsequent event in between disposal of the application by the Tribunal and the proceedings today. We, therefore, modify the order of the Tribunal to the extent that in terms of the order passed by the Tribunal, the authorities will be required to take follow up action in respect of the dues found admissible under the above noted heads also.
8. In view of the pendency of this proceedings till today we further extend the time for completing the follow up action in terms of the Tribunal's order by three months from date.
9. The writ petition is disposed of accordingly.
10. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(MADHURESH PRASAD, J.)

(SUPRATIM BHATTACHARYA, J.)