

14.07.2025.
Item Nos. 25 & 26.
Court No. 13
ap

F.M.A. No. 617 of 2025
With
I.A. No. CAN 1 of 2024
The State of West Bengal & Ors.
Versus
Samir Kumar Kundu & Ors.
With
F.M.A. No. 630 of 2025
With
I.A. No. CAN 1 of 2024
The State of West Bengal & Ors.
Versus
Biman Kumar Khastagir & Ors.

Mr. Kishore Dutta, Id. Advocate General,
Mr. Rajarshi Basu,
Ms. Munmun Tewary.

...For the appellant.

Mr. Tulsi Das Maiti,
Mr. Pradip Kumar Ghosh.

...For the private respondents.

Mr. Rabindra Narayan Dutta,
Mr. Soumyajit Bhatta.

...For the Panihati Municipality.

1. These intra court appeals are directed against judgment and order dated 3rd April, 2024 passed by a learned Single Judge of this Court in W.P.A. 15385 of 2023.

2. By reason of the impugned order, the Court below went on to hold that the petitioners retired from service from Panihati Municipality and that their terminal benefits have not been disbursed till date. They have written to the Director of Local Bodies for release of their pensions and other terminal benefits which they have not done.

3. It appears from the impugned order that the State was not represented before the first Court. In the

paper book the State has disclosed several documents and a report of the Chief Secretary, Government of West Bengal which, inter alia, may indicate that the petitioners were initially appointed on contractual basis under Calcutta Urban Development Projects Scheme.

4. The petitioners thereafter were unilaterally appointed by the Chairman, Panihati Municipality on the basis of a resolution dated 30th December, 2008.

5. It is submitted by Mr. Datta, learned Advocate General that no sanction of the State was taken prior to appointment of the petitioners as Overseers with the Municipality itself and was outside the scope of the contract.

6. It further appears that the petitioners served in contractual capacity from 1984 till 1st January, 1990 when they were made permanent employees.

7. In the absence of any such prior sanction, the State is not in a position to release any pension in favour of the petitioners.

8. Since the aforesaid facts were not brought to the notice of the learned Single Judge, this Court would have ordinarily expected the State to file an application for review explaining their absence and the reasons for the documents not having been brought to the notice of the Court.

9. In those circumstances, since either party should not lose a forum, leave is granted to the State

to file a review application before the learned Single Judge of this Court within a period of two weeks from date. The delay in filing such application will not stand in the way of the Review being entertained in view of Section 14 of the Limitation Act, 1963.

10. It is made clear that this Court has not decided the matter either on facts or any question of law that may arise in the process.

11. With the aforesaid observations, these intra court appeals are disposed of.

12. There will be no order as to costs.

13. In view of the disposal of these appeals, all the connected applications are disposed of.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)