

16.04.2026
Item No.16
Ct. No.1
KS

M.A.T. 668 of 2026
With
I.A. No. CAN 1 of 2026
Jiban Kumar Sadhu
Vs.
Union of India & Ors.

Mr. Swapan Banerjee
Mr. Sabyasachi Chatterjee
Mr. Rabinder Pathak
Mr. Tirupati Mukherjee
.....For the Petitioner
Mr. Chirantan Dawn
Mr. Goutam Sardar
Mr. Goutam Malik
.....For the U.O.I.

DICTATED BY SUJOY PAUL, C.J.:

1. Parties are represented through their respective learned counsels.
2. Mr. Chatterjee, learned counsel for the appellant/petitioner submits that the petitioner filed W.P.A. 7481 of 2026 mainly against the order of transfer to Vishakhapatnam.
3. Neither in the pleadings nor in the prayer of writ petition, petitioner prayed for any direction regarding any application seeking voluntary retirement. Thus, the learned

Single Judge ought to have decided the validity of transfer order and should not have disposed of the petition on the aspect of alleged application of appellant seeking voluntary retirement by the appellant.

4. Counsel for respondents/Employer, on the other hand, urged that the counsel appearing before the learned Single Judge orally made such submission about pending application for voluntary retirement, which is duly recorded in the order-sheet.
5. In our opinion, this aspect as to whether the counsel for appellant raised such submission or not cannot be gone into in this intra-Court appeal.
6. Faced with this, Sri Chatterjee, learned counsel for the appellant prays for withdrawal of this appeal with the liberty to seek review of order dated 30th March, 2026 passed in W.P.A. 7481 of 2026 on all possible grounds. In addition, he submits that he will file an application for stay, in view of

subsequent order passed by Department on 17.04.2026.

7. The other side has no objection, in this regard.
8. Appeal is accordingly dismissed as withdrawn with the liberty to file review petition and stay application. In that case, we have no doubt that learned Single Judge will deal with the review application, in accordance with law and will hear the stay application at the earliest.
9. With the aforesaid observation and without expressing any opinion on the merits and on the tenability of review, this appeal stands disposed of.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)