

M.A.T. 1311 of 2025

With

CAN 1 of 2025

CAN 2 of 2025

CAN 3 of 2026

The State of West Bengal & Ors.

Vs.

Balai Das & Anr.

Ms. Manju Agarwal, Id. A.G.P.

Ms. Runu Mukherjee

...for the State

Mr. Samim Ahammed (through VC),

Ms. Saloni Bhattacharya,

Ms. Gulsanwara Pervin

...for the Respondent No.1

CAN 1 of 2025

1. There is an application (CAN 1 of 2025) seeking condonation of 113 days' delay in referring the appeal. Without much resistance, the application is allowed. The delay is condoned.

MAT 1311 of 2025

2. Heard the learned advocate for the writ petitioner/State and the learned advocate representing the private respondent no.1.
3. The learned advocate for the State submits that a concession was wrongly recorded on behalf of the State in the order dated 21.03.2025, passed by the learned Single Judge Bench in the writ proceeding (WPA 4450 of 2021).
4. The learned advocate for the respondent no.1 would submit that the respondent no.1 is suffering with a terminal disease. His entitlement

to some amount/s including pensionary benefits is pending consideration in the present proceeding. He submits that the issue decided by the learned Single Judge based on the concession, now is settled by decision of the Division Bench in M.A.T. 429 of 2024.

5. Considering the rival submissions, we find that the issue arising for consideration in the present appeal is whether the concession was recorded rightly/wrongly. The issue, therefore, is required to be raised by the appellants before the writ court where the concession was recorded.
6. We, therefore, leave it to the appellants to avail remedy in accordance with law, in view of our observations.
7. The present appeal is accordingly dismissed.
8. Pending applications also stand disposed of.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)