

09-03-2026
Item No.2
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.21386 of 2025

Benoy Krishna Bala

-vs-

The Union of India & Ors.

Mr. Sayantan Adhya
Mr. Suprotim Mukherjee
Md. Nadeem
Mr. Rejuan Ali ...for the petitioner

Mr. Subrata Santra ...for the Union of India

Mr. Subrata Kumar Sinha ...for SBI

1. The petitioner is an ex-serviceman. After retirement from service, he joined State Bank of India. He is aggrieved as dearness allowance (DA) for the period from 2013-2025 was not granted to him.
2. The instant writ petition has been filed, inter alia, praying for a direction upon the bank for grant of DA for the entire period of 2013-2025 together with interest.
3. Learned counsel for State Bank of India submits, upon instruction that, on the self-same cause of action, the petitioner had filed a writ petition before this Court earlier being WP No.38010(W) of 2013. As per the order of the Hon'ble Supreme Court, the said writ petition stood transferred to the Punjab and Haryana High Court and it has been re-numbered as CPW No.10124 of 2021. The said writ petition was withdrawn by the

petitioner on August 2, 2022.

4. It has been submitted that fresh writ petition over the self-same cause of action will not be maintainable. The copy of the writ petition being WP No.38010(W) of 2013 and the order of the Punjab and Haryana High Court dated August 2, 2022 has been placed before this Court.
5. Learned counsel for the bank contends that the instant writ petition is liable to be dismissed on the grounds of suppression of material facts.
6. The Court has perused the earlier writ petition and the present writ petition. It appears therefrom that the prayer made by the petitioner in the earlier writ petition is similar to the prayer made in the instant writ petition. The earlier writ petition stood withdrawn without obtaining any leave to file a fresh one on the self-same cause of action.
7. On a perusal of the documents placed before this Court by the learned counsel for the bank, it appears that the fact of filing of the earlier writ petition was actually suppressed in the instant writ petition. Such conduct of the petitioner cannot be appreciated. Such suppression has to be taken as deliberate and fatal in the instant writ petition.
8. In view of the above, the subsequent writ petition on the self-same cause will not be maintainable. The writ petition also suffers from suppression of material facts. Hence, the writ petition fails and is hereby dismissed.
9. Copy of the writ petition being WP No.38010(W) of 2013 and the order dated August 2, 2022 in CPW No.10124 of 2021 passed by the Punjab and Haryana High Court handed over in Court be

taken on record.

10. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]