

**F.M.A. 37 of 2026
With
CAN 1 of 2025
CAN 2 of 2026**

**All India Institute of Medical Sciences & Anr.
Vs.
Subhendu Matilal & Ors.**

Mr. Ashok Kumar Chakraborty, Id. ASGI,
Ms. Amrita Pandey
Mr. Ghanshyam Pandey

...for the Appellants

Mr. Biswaroop Bhattacharya,
Mr. Arya Bhattacharyya,
Ms. Anusmita Bhattacharya

...for the Respondent/Writ Petitioner

1. Heard the learned A.S.G. and Mr. Biswaroop Bhattacharya, learned advocate for the writ petitioner/respondent. The writ petitioner /respondent is also physically present in Court.
2. The writ petition bearing WPA No.24784 of 2025 was filed by the writ petitioner assailing the decision of the respondent authorities in the AIIMS Kalyani where the petitioner was working on deputation, rejecting his request for withdrawal of resignation and also rejecting his claim that repatriation order be recalled. The writ court passed an interim order on 06.11.2025. Aggrieved by the interim order the present intra court appeal was filed by the AIIMS Kalyani.
3. In the course of hearing of the matter on 18.02.2026 this court recorded the following order:

“After submissions have been advanced on behalf of the appellants, Mr. Bhattacharyya, learned counsel appearing for the writ petitioner/respondent no.1, submits that various claims of the respondent no.1 are pending which are likely to have a cascading effect in his parent department/organization. He is concerned with settlement of these issues.

To such submission, we had made a query that if this is the only issue remaining, so as to bring the issue to a quietus, let the learned counsel obtain instructions in this regard.

He prays for an adjournment for the day.”

4. As recorded by this Court in the earlier order, it appears that better sense has prevailed and the writ petitioner, in order to give the issue a quietus and pursue his livelihood and employment in his parent organisation, is willing to proceed back to his erstwhile/parent department; but after giving a representation enumerating therein all the dues up-to-date, which according to him are pending with the depute Organisation, namely, AIIMS Kalyani. The representation will be submitted before the Executive Director of the Institute.
5. The learned A.S.G. has upon instructions gracefully submitted that once the representation is made before the Executive Director, a decision

will be taken expeditiously and preferably within a fortnight therewith.

6. Since the stand of the parties, as recorded in the present order, leaves nothing to be adjudicated in the present proceeding, we dispose of the appeal recording the stand of the parties hereinabove, giving a quietus to the issue.
7. In view of the disposal of the present intra-court appeal, the parties agree that nothing survives in the writ petition also bearing W.P.A. No.24784 of 2025. Accordingly, the same also stands disposed of.
8. All interim orders stand vacated.
9. Connected applications stand disposed of accordingly.
10. There will be no order as to costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)