

APO/52/2024
IN WPO/1274/2022
IA NO: GA/6/2024
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

FOOD CORPORATION OF INDIA AND ANR
VS
MALAY BHATTACHARJA

BEFORE :
HON'BLE JUSTICE MADHURESH PRASAD
AND
HON'BLE JUSTICE PRASENJIT BISWAS
Date: 15th June, 2026.

Appearance:
Mr. Devajyoti Barman, Adv.;
Ms. Sanjukta Basu Mallick, Adv.,
...for the appellants.

Mr. Soumya Majumder, Sr. Adv.;
Ms. Sanjukta Datta, adv.;
Mr. Kisor Roy, Adv.,
...for the respondent.

The Court :- The writ petitioner was deprived of his monetary benefits under the IDA pay pattern. He thus approached the Writ Court by filing the writ petition. The same was disposed of on 20.06.2022. The order is under appeal in the present intra court appeal.

It appears that before the Hon'ble Single Judge the appellant took a stand that validity of the Circular under which the benefit was being claimed, was pending consideration before the Punjab and Haryana High Court and the Delhi High Court. The Hon'ble Single Judge considered such stand and was of the

view that before the Punjab and Haryana High Court and Delhi High Court the present appellants were trying to defend the Circular dated 30.09.2011 under which the present writ petitioner appellant was claiming the benefit. Therefore, there would be no conflict if the petitioner was extended benefits under the Circular.

The learned Single Judge, therefore, disposed of the writ petition by directing that the writ petitioner be paid his benefits insofar as arrears of salary between 20.11.2006 to 31.10.2015 under the IDA pay pattern instead of CDA pay pattern.

The benefits were to be given in five instalments.

When the present appeal was taken up on the earlier occasion, the learned advocate for the appellant reiterated the sole/self same submission made before the Hon'ble Single Judge that the direction of the learned Single Judge for payment of arrears to the writ petitioner, during pendency of the matter before Delhi High Court is unsustainable.

Today, when the matter is taken up, learned advocate for the appellant submitted that the ground on which the present appeal was preferred does not subsist in view of judgment dated 04.06.2026, passed by a Division Bench of the Delhi High Court in the case of *Food Corporation of India Versus Jagneshwar Prasad Gupta and Ors.*

In view of the fair stand taken by the learned advocate for the appellant corporation we find that nothing survives in the present appeal and pendency of the same would be futile. Since the ground on which the appeal was filed does

not subsist any more, there is no occasion for keeping the present appeal pending. We dispose of the appeal accordingly. The order of the Hon'ble Single Judge does not require any interference. The appeal is dismissed.

Consequently, the amount deposited with the Registrar, Original side of this Court is required to be released along with interest accrued in the meantime, in terms of the order dated 08.02.2024 in favour of the petitioner.

(MADHURESH PRASAD, J.)

(PRASENJIT BISWAS, J.)

SP/