

D/L.1.
August 7, 2024.
MNS.

WPA No. 6229 of 2023
+
CAN 1 of 2024

Asiatic Society's Employees' Union and Another
Vs.
The Union of India and Others

Mr. Kallol Basu,
Mr. Suman Banerjee

... for the petitioners.

Mr. D. N. Ray,
Mr. Rajesh Kr. Shah

...for the respondent Nos. 1 to 4.

Mr. Rajib Ray,
Ms. Oishanee Ghosh

...for the respondent No. 5.

Supplementary Affidavit as well as
Affidavit-in-Opposition filed by respondent Nos. 2
to 4 and the Affidavit-in-Reply filed by the
petitioners be taken on records.

CAN 1 of 2024 is filed in connection with
WPA No. 6229 of 2023.

This is an application filed for extension of
an interim order. It is submitted on behalf of the
petitioners that though the writ petition was filed
as far back as in October, 2023 and an interim
order dated October 4, 2023 was passed after a
contested hearing, the same has expired on June
30, 2024. CAN 1 of 2024 was filed on June 27,
2024 and has been listed today. It is contended

on behalf of the petitioners that though this Court had also directed the respondents to file an Affidavit-in-Opposition, the Affidavit-in-opposition has been filed belatedly by the respondent Nos. 2 to 4 on March 1, 2024.

On behalf of the Provident Fund Authorities, it is submitted that no Affidavit-in-Opposition could be filed within the stipulated period and an extension is sought for on behalf of the Provident Fund Authorities to file their Affidavit-in-Opposition.

Admittedly, the interim order was passed on October 4, 2023 after a contested hearing and upon notice to all the parties. The interim order had expired on June 30, 2024 and this application was filed on June 27, 2024 and for reason beyond the control of the petitioners could not be listed.

Significantly, the Union of India, whose decision dated January 30, 2023 is impugned in this proceeding has not filed any Affidavit-in-Opposition. It is orally submitted on behalf of the respondent Nos. 2 to 4 that the Affidavit-in-opposition filed by the respondent Nos. 2 to 4 be treated as an Affidavit-in-Opposition filed on behalf of the Union of India.

The impugned communication dated January 30, 2023 issued by the Deputy Secretary to the Government of India is not supported by

the respondent Nos. 2 to 4 who have taken a bald stand that the respondent No. 2 has no direct control over the issue in the pending *lis*.

In view of the above, last and final opportunity is granted to the Union of India to file their Affidavit-in-Opposition within a period of two weeks from date. Affidavit-in-Reply shall be filed within one week thereafter.

Let this matter appear on September 3, 2024 as “Specially Fixed”.

The interim order granted earlier on October 4, 2023 stands extended till September 15, 2024.

It is made clear that the aforesaid directions are peremptory in nature and no further extension would be granted to either of the parties.

A copy of this order be served on the Office of the Additional Solicitor General for necessary action.

(Ravi Krishan Kapur, J.)