

10.01.2022
Sl. No.10
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 18933 of 2021

Sumanta Rana, Ex-Const/GD
Vs.
Union of India & Ors.

Mr. Somesh Kumar Ghosh
....for the petitioner.

Mr. Debapriya Gupta,
Mr. Sourav Mondal
....for the respondents.

In the petitioner's previous writ petition, being WPA 10280 of 2021, two issues fell for consideration, which was disposed of by an order dated 17th August, 2021. So far as the memo dated 9th April, 2021 is concerned, this Court categorically held that the petitioner's challenge to such memo is devoid of merit and as such the prayer for interfering with such memo was turned down. So far as the revision petition filed by the petitioner before the competent authority is concerned, this Court directed the same to be decided within a period of six weeks from the date of filing of such revision petition. The revision petition has been disposed of by an order dated 28th October, 2021. The petitioner has sought to challenge such order dated 28th October, 2021 along with the memo dated 9th April, 2021.

Since the issue as to the memo dated 9th April, 2021 has already been decided by the order dated 17th August, 2021 passed in the petitioner's previous writ petition, being WPA 10280 of 2021, the revision petition, so far as it relates to the memo dated 9th April, 2021, stands dismissed on the ground of principles analogous to constructive *res judicata*. The writ petition only survives to the challenge to the order dated 28th October, 2021.

After hearing the parties and considering the materials on record, I find that there is no scope of passing any interim order. The matter requires to be heard after affording the respondents an opportunity to disclose their stand on affidavit.

Let affidavit-in-opposition be filed within a period of eight weeks from date. Reply, if any, thereto be filed by three weeks thereafter.

Liberty to mention for inclusion in the list under the heading "Hearing" fifteen weeks hence.

(Arindam Mukherjee, J.)