

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15724-15725/2011

(Arising out of impugned judgment and order dated 11/04/2011 in AST No. 539/2009 along with AST No.78/2009 arising therein passed by the High Court of Calcutta)

DIAMOND HARBOUR MUNICIPALITY & ORS.

Petitioner(s)

VERSUS

HAYAGRIB NAIYA & ANR

Respondent(s)

(with interim relief and office report)
(For Final Disposal)

Date : 04/03/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Manish Verma,Adv.
Mr. Anupam Lal Das,Adv.
Mr. Anirudh Singh,Adv.

For Respondent(s) Mr. Dipak Kumar Jena,Adv.
Ms. Minakshi Ghosh Jena,Adv.
Mr. J. Das,Adv.

Mr. Soumitra G. Chaudhuri,Adv.
Mr. Parijat Sinha,Adv. (ACAOR)

UPON hearing the counsel the Court made the following
O R D E R

Having heard learned counsel for the petitioners and respondents, we find that these special leave petitions are against the order of the High Court setting aside the show cause notice as well as order of suspension pending disciplinary action. Pursuant to interim orders of this Court, the petitioners proceeded with the show cause notice and passed final orders of compulsory retirement

against Respondent No.1. It is also stated that the said order of compulsory retirement was challenged by Respondent No.1 and that the High Court set aside the said order. Nevertheless the petitioners stated to have not provided employment to Respondent No.1.

In the circumstances, we find that the challenge in these special leave petitions no longer survives and, therefore, these special leave petitions have become infructuous and are dismissed as such.

In the light of the subsequent development of passing of the order of compulsory retirement against Respondent No.1 and the challenge made to it by Respondent No.1 before the High Court and the conclusion of the said proceedings, any contempt proceedings based on the impugned order cannot survive. Therefore, the said contempt proceedings should also be concluded based on the order passed in these special leave petitions.

However, it is open to Respondent No.1 to work out his remedy, in the event of the petitioners having not complied with any subsequent order passed by the High Court relating to the compulsory retirement, which was subject matter of challenge in any subsequent proceedings.

Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER