

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A. Nos.7-8 in  
Petition(s) for Special Leave to Appeal (Civil) Nos.15724-15725/2011

(From the judgement and order dated 11/04/2011 in AST No.539/2009  
and ASTA No.78/2009 of The HIGH COURT OF CALCUTTA)

DIAMOND HARBOUR MUNICIPALITY & ORS. Petitioner(s)

VERSUS

HAYAGRIB NAIYA & ANR Respondent(s)

(For Directions, with prayer for interim relief and office report)

Date: 25/02/2013 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE ANIL R. DAVE  
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Manish Verma,Adv.

Mr. Sandip Bhattacharya,Adv.  
Mr. Anupam Lal Das,Adv.  
Mr. Shyama Prasad Purvai,Adv.  
for Mr. Ardhendumauli Kumar Prasad,Adv.

For Respondent(s) Mr. Dipak Kumar Jena,Adv.

No.1: Ms. Minakshi Ghosh Jena,Adv.  
Mr. Yatharth,Adv.

For State of West  
Bengal:

Mr. Chanchal Kumar Ganguli,Adv.  
Mr. Avijit Bhattacharjee,Adv.  
Ms. Soumi Kundu,Adv.  
for Mr. Abhijit Sengupta,Adv.

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

On the prayer made on behalf of the Diamond Harbour  
Municipality, two weeks' time is granted for filing counter  
affidavit to I.A. Nos.7-8 of 2012. Rejoinder affidavit thereto, if  
any, may be filed within a week thereafter.

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Although, not directed to be present in-person, the  
Chairman of the Municipality is present in Court today, and he has  
taken note of the submissions made in Court today. Basically, the  
case of the Respondent No.1 is that, despite the fact that the  
order by which he had been placed under suspension had been set  
aside and he has been allowed to resume his service, he has still  
not been given the benefits of increments and other dues. On the  
one hand, it has been submitted on behalf of the Municipality that  
it had written to the State Government to provide necessary funds,  
but no response has been received from the State Government in that  
regard, on the other hand, it has been stated on behalf of the  
State of West Bengal that funds had already been released.

Be that as it may, what we are concerned with, is the  
effect of the orders which we had passed by which the Respondent

No.1 was reinstated in service. Accordingly, let this matter stand over for a period of four weeks, for the present, and let it be listed for orders thereafter.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Juginder Kaur ]  
Assistant Registrar