

ITEM NO.22                      Court 10 (Video Conferencing)                      SECTION XVI

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). 5195/2022

(Arising out of impugned final judgment and order dated 25-02-2022 in MAT No. 1316/2021 passed by the High Court At Calcutta)

THE PRESIDENT MANAGING COMMITTEE                      Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.                      Respondent(s)

(FOR ADMISSION and I.R. and IA No.43313/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.43315/2022-EXEMPTION FROM FILING O.T.)

Date : 01-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)      Mr. Uday Gupta, Adv.  
                                    Mr. Swapan Banerjee, Adv.  
                                    Mr. Anindo Mukherjee, Adv.  
                                    Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)      Mr Gourab Banerji, Sr. Adv.  
                                    Mr Joydeep Mazumdar, Adv.  
                                    Mr. Amitabrata Roy, Adv.  
                                    Mr Debojyoti Bhattacharya, Adv.  
                                    Ms. Shalini Kaul, AOR

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

Having heard Mr. Uday Gupta, learned counsel appearing for the petitioner and Mr. Gourab Banerji, learned senior counsel appearing for the 2<sup>nd</sup> Respondent-Caveator, we do not think that the petitioner has made out a case as such for interfering with the impugned order. It is pointed

out by Mr. Gourab Banerji, learned senior counsel that 2<sup>nd</sup> Respondent has been paid his emoluments till September, 2021. Mr. Banerji submits that the 2<sup>nd</sup> Respondent is prepared to waive the emoluments for the period thereafter till he is allowed to re-join service in terms of the impugned order. In such circumstances, while we refuse to interfere with the impugned order as such, we direct as follows :

Respondent No.2 shall be reinstated in terms of the impugned order within 7 days from today. He need not be paid the emoluments from October, 2021 till he is reinstated.

The Special Leave Petition is dismissed. Pending application(s), if any, shall stand disposed of.

We make it clear that the 2<sup>nd</sup> Respondent will be entitled to continuity of service and all other benefits during the period he was not in service.

(Geeta Ahuja)  
Court Master

(Renu Kapoor)  
Court Master