

Union of India and ors Vs. Joydev Ghatak

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Court : Kolkata

Decided On : Jul-08-2014

Judge : Banerjee

Appellant : Union of India and ors

Respondent : Joydev Ghatak

Judgement :

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ORDER

SHEET GA No.2049 of 2014 APO No.200 of 2014 WP No.121 of 2014 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE UNION OF INDIA & ORS Versus JOYDEV GHATAK BEFORE: The Hon'ble JUSTICE BANERJEE, ACTING CHIEF JUSTICE The Hon'ble JUSTICE ARIJIT BANERJEE Date : 8th July, 2014.

Appearance: Mr.Ashok Chakraborty, Sr.Advocate For the appellant.

Mr.Anjan Bhattacharjee, Id.

Advocate For the respondent.

The Court :- The respondent was charged with various offences for which the Central Bureau of Investigation initiated criminal case against him under the

Prevention of Corruption Act, 1973.

The respondent would claim, he was honourably acquitted by the criminal court.

However, the appellant would dispute the same.

Be that as it may, the appeal is awaiting disposal in this Court.

The respondent approached the learned Single Judge with a limited prayer for release of the gratuity and subsistence allowance.

Mr. appearing Ashok for the Chakraborty, appellant, learned would Senior Counsel strenuously contend, there was nothing due and payable on account of subsistence allowance and all details were disclosed in the affidavit-in-opposition filed before the learned Single Judge.

The learned Judge directed release of the gratuity.

Hence this appeal at the instance of the appellant.

We have heard Mr. Chakraborty for the appellant and Mr. Anjan Bhattacharjee, learned Counsel appearing for the respondent.

We have carefully perused the judgment and order impugned.

We feel, interest of justice would be subserved, if we ask the appellant to invest the gratuity amount in a suitable interest bearing fixed deposit account.

Such deposit must be kept renewed from time to time till disposal of the appeal.

We are prompted to say so as release of gratuity amount would make the instant appeal infructuous.

The appellant is directed to deposit the entire amount of gratuity along with interest, if any, payable to the respondent in any nationalised bank of their choice within 3 weeks from date and submit photo copy of the fixed deposit receipts in respondents Advocate.

this Court with a copy to the The appellant is directed to file requisite number of informal paper books incorporating all papers used before the learned Single Judge within a period of 4 weeks from date.

As soon as paper book is filed, place it for hearing.

In default, place it for final order.

There will be an unconditional stay for a period of 3 weeks from date.

If the deposit is made as aforesaid, the stay as regards payment of gratuity amount will continue till disposal of the appeal.

In default of deposit of the amount as aforesaid, the stay would stand vacated and the appeal would stand dismissed.

GA2049of 2014 is, thus, disposed of without any order as to cost.

(BANERJEE,ACTING CHIEF JUSTICE) (ARIJIT BANERJEE, J.) dg/

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