

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(SPECIAL ORIGINAL JURISDICTION)

**WRIT PETITION NO. 658 OF 2016**

IN THE MATTER OF:

An application under Article 27, 29, 31, 40, 44, 102, 135(2) of the Constitution of the People's Republic of Bangladesh.

And

IN THE MATTER OF:

***Md. Emdadul Haque***

.... Petitioner

-Vs-

***Chairman, Bangladesh Inland Water Transport Authority (B.I.W.T.A.) Bhaban, 141-143, Motijheel Commercial Area, Dhaka-1000 and others.***

....Respondents.

Ms. Nasima Akhter Shanu with

Mr. Ali Ahsan Mullah, Advocates

..... For the petitioner.

Mrs. Khalifa Shamsun Nahar, Advocate

..... For the respondent No. 1-2 & 4-5.

**Heard on: 10.03.2024 & 11.03.2024**

**Judgment on: 13.03.2024**

**Present:**

***Madam Justice Kashefa Hussain***

***and***

***Mr. Justice S.M. Maniruzzaman***

**S.M. Maniruzzaman, J:**

In this Rule Nisi issued under Article 102 of the Constitution of the People's Republic of Bangladesh, the respondents have been called upon to

show cause as to why the impugned order dated 21.12.2014 and 21.01.2014 vide Annexure-C and C-1 issued by the respondent No. 1 compulsorily retiring the petitioner from service should not be declared illegal and without lawful authority and/or such other or further order or orders passed as to this Court may seem fit and proper.

Mr. Mr. Ali Ahsan Mullah, learned Advocate appearing for the petitioner by placing the impugned order dated 21.12.2014 submits that pursuant to the impugned order bearing No. 118 of 2014, the present petitioner took all the retirement benefits from the respondent authority. In view of the above learned Advocate prays for passing necessary order.

On the other hand, Mrs. Khalifa Shamsun Nahar, learned Advocate appearing for the respondents Nos. 1-5 by filing affidavit-in-opposition concedes the submissions so advanced by learned Advocate for the petitioner and further submits that after taking retirement benefit by the petitioner, the present Rule has become infructuous. In view of the above learned Advocate prays for discharging the Rule as being infructuous.

We have considered the submissions so advanced by the learned Advocate of both the sides and gone through the writ petition and affidavit-in-opposition. It however, appears that the petitioner filed the instant writ petition challenging the impugned order No. 118 of 2014 dated 21.12.2014 passed by the respondent No. 1 imposing compulsory retirement upon him. During pendency of the Rule, the present petitioner took all the benefits pursuant to the impugned order No. 118 of 2014 dated 21.12.2014.

In view of the above there remains no cause of action for requiring adjudication in the present Rule.

Accordingly, the Rule is discharged as being infructuous, however, without any order as to costs.

Communicate a copy of this judgment and order to the respondents.

**Kashefa Hussain, J:**

I agree.