

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

52 **21.08.**
sm **2019**

W.P.A.265 of 2019

**Asish Dey Chowdhury
Versus
The State of West Bengal & Ors.**

Mr. Anirban Banrjeer.
.....for the petitioner.

Mr. Subir Kumar Saha.
.....for the respondent no.2 to 3.

Mr. Hirak Barman,
Ms. Bedashruti Bose.
.....for the State.

Affidavit of service filed in Court today be kept
with the record.

The petitioner is an ex-employee of the North Bengal State Transport Corporation. The petitioner retired from his service in the year 2007 and has been running from pillar to post for getting payment of gratuity under the revised scale of pay (ROPA 2009) for quite some time now. In fact, vide an order dated June 15, 2018, a learned Single Judge of the Principal Bench of this court had permitted the petitioner to approach the appropriate authority and it was further directed that, upon proper application being filed by the petitioner, the controlling authority was to dispose of the same as early as possible keeping in view that the petitioner retired much earlier.

Learned counsel appearing for the respondent no.2 & 3, who are the contesting the respondents,

submits that due to procedural problems and dearth of staff, as well as pendency of several old matters of similar nature, it would be difficult for the State respondents to disburse the amount due, if any, to the petitioner expeditiously.

However, the petitioner retired a long time back and has been suffering for no fault of his own. It can very well be anticipated what the plight of the petitioner, being a retired conductor, would be in the absence of adequate payment of gratuity, despite the relevant Rules in that regard having been framed much earlier. The intra-departmental procedural wrangles of the respondent nos. 2 & 3 are entirely their problem and cannot be an excuse to prevent the petitioner from getting his legitimate dues promptly. Keeping in view the age of the petitioner and the inordinate period of his wait to get such dues, it would be unjust and beyond all norms of civilized society to keep the petitioner waiting further, merely because of the inefficiency of the concerned officers of the authorities responsible for disbursement of the amount-in-question.

Accordingly, WPA 265 of 2019 is disposed of by directing the respondents no.2 & 3 to dispose of the representations of the petitioner, respectively dated September 5, 2018 and October 6, 2018 (which are annexed collectively as annexure P-5 at pages 33 & 34

of the present writ petition) mandatorily within one month from date, upon giving an opportunity of hearing to the petitioner.

It is made clear that this direction is peremptory and the petitioner will be at liberty to take out appropriate proceedings for contempt in the event of violation of such direction, as given in this order.

Urgent photostat certified copy of this order, if applied for, shall be given to the parties upon compliance of usual formalities.

(Sabyasachi Bhattacharyya, J.)