

23-09-2020

MAT 94 of 2016
(CAN 3 of 2020)
(CAN 4 of 2020)

Ct. 8

(Through Video Conference)

The Kolkata Port Trust & Ors.
Versus
Suresh Balmiki & Anr.

Mr. Nilay Sengupta, Adv.
Ms. Sujata Mukherjee, Adv.
...for the appellants

Mr. Khairul Alam, Adv.
...for the respondents

This is an application for correction and/or modification of the order dated 11th February, 2020.

In the order dated 11th February, 2020, we had recorded that the father of the applicant had retired from service in the year 1992 and had received pension till 1998. This appears to be incorrect as borne from records. In fact, the father of the applicant did not receive any pension after his retirement.

Accordingly, the correction proposed in paragraph 8 of the application is allowed. In the second line of the third paragraph of the said order, the phrase “and had received pension till 1998” shall be deleted from the original order dated 11th February, 2020.

Considering the explanation offered in paragraph 7 that upon being able to furnish the indemnity bond, we modify our order by permitting the respondent authorities to withdraw the amount deposited with the learned Registrar General and disburse the

amount as prayed for in paragraph 8 of the petition.

That applicant now shall submit indemnity bond before the concerned authority and the authority concerned shall disburse 50% of the family pension and arrear dues to the applicant in modification of our earlier order.

The learned Counsel appearing on behalf of the Kolkata Port Trust has submitted that they shall disburse the amount in accordance with the directions passed by us today.

The learned Registrar General shall immediately encash the fixed deposit and remit the proceeds thereof with accrued interest in favour of the Kolkata Port Trust after deducting cost, charges and expenses within a period of two weeks in compliance of this order.

The applications being CAN 3 of 2020 and CAN 4 of 2020 are accordingly, disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)