

28.03.2025
SI No.1
Court No.37
(gc)

**WPCT 42 of 2020
CAN 4 of 2024**

**Rudra Prasad Chatterjee
Vs.
Union of India & Ors.**

Mr. Sardar Amjad Ali, Sr. Adv.,
Mr. Puranjan Pal,
Mr. Samirul Sardar
...for the Petitioner.
Mr. Saptansu Basu, Sr. Adv.,
Mr. Bharat Bhushan
...for the Respondents.

1. On 4th September, 2020, in disposing of the writ petitioner, we passed the following order:-

“The respondent authorities shall release 50 per cent of the arrear salary within one week from date for the period to be counted from the date of transfer and the balance amount shall be released within one week after the writ petitioner joins to the transferred post.”

2. A Special Leave Petition was filed against the impugned judgment and order. The Special Leave Petition was withdrawn on the basis of an award dated 1st August, 2024 before the Members of the Lok Adalat. The award insofar as discharge of liability is concerned as recorded in paragraph 4 of the award which reads as follows:-

“4. In terms of the said settlement, the petitioner does not wish to press this Special Leave Petition. Accordingly, the Special Leave Petition is dismissed as not pressed. However, as agreed the terms of the settlement be complied within a period of three months, otherwise the respondent would be at liberty to get implement the impugned order of the High Court. Pending interlocutory application(s), if any, shall stand disposed of.”

3. The dispute arose with regard to the implementation of the award vis-à-vis the order passed by this Bench. Several affidavits have been filed on behalf of the respondent authorities. However, during the course of hearing, a prayer was made for filing a supplementary affidavit of compliance. Leave is given to file the said supplementary affidavit. A copy of the said supplementary affidavit has already been served upon the learned Advocate-on-record for the petitioner.
4. Mr. Saptansu Basu, learned Senior Counsel appearing on behalf of the respondents has submitted that the impugned order has been complied with, meaning thereby that the timeline within which the award ought to have been implemented was not implemented, as a result whereof, the petitioner would be

entitled to the benefits originally extended to the petitioner vide order dated 4th September, 2020.

5. The dates relevant for considering the implementation of the order would be the date of transfer and the date when the writ petitioner joined the transferred post. It is needless to mention that the arrear salary mentioned in the operative portion of the order would mean the salary payable as on 4th September, 2020 and the 50% amount in two phases shall be of that salary which was payable to the writ petitioner as on 4th September, 2020.
6. Since the respondents are not in possession of original document and had paid some amount in the meantime, we direct the respondents to file an affidavit disclosing the aforesaid facts with any other relevant documents that may be necessary for proper adjudication of the issues pending in this application. The affidavit shall be filed on or before 17th April, 2025 upon prior service to Mr. Puranjan Pal, Advocate-on-record for the petitioner.
7. The matter stands adjourned till **25th April, 2025**.

8. Reply, if any, shall be filed in the meantime, both in relation to the supplementary affidavit filed today and the affidavit to be filed in terms of this order.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)