

OD 5

WPO 414 of 2020
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

DEBASISH BASAK
VERSUS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 15th December, 2020.

APPEARANCE:

Mr. Dipankar Pal,Adv.

Ms. Kakali Naskar,Adv.

Ms. Deblina Chattaraj,Adv.

Mr. Subhabrata Datta,Adv.

Mr. Debashis Sarkar,Adv.

The Court:- Affidavit of service filed in Court today be kept on record.

The petitioner is a dismissed employee of the West Bengal Transport Corporation. He was imposed the penalty of dismissal from service on 26th August, 2010 and the same was effective from 1st October, 2010. The statement of settlement dues of the petitioner, as annexed to the writ petition at page no. 22, reflects that he was paid provident fund, gratuity and leave encashment.

The petitioner in the instant writ application prays for interest on account of delayed payment of his terminal dues.

The petitioner, by a representation dated 13th January, 2020, approached the Managing Director of the Company for release of interest on account of the delayed payment of his dues. It has been submitted that the representation of the petitioner is yet to be considered by the authority.

The learned Advocate representing the Corporation is not aware as to whether the representation made by the petitioner was at all considered or not.

As it appears that the prayer of the petitioner is pending consideration at the end of the Company, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 5, being the Chief Accounts Officer of the Company to consider the prayer of the petitioner for grant of interest on the delayed payment of his terminal dues, strictly in accordance with law and the relevant rules, within a period of six weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not gone into the merits of the claim made by the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

In the event the said respondent is of the opinion that any money is due and payable to the petitioner on account of delay in payment of its terminal dues, the same shall be released in favour of the petitioner within a period of three months thereafter.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of usual legal formalities.

(AMRITA SINHA, J.)