

08.09.2021
Sl. No.10
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 13043 of 2021

Samir Sarkar
Vs.
Bengal Chemicals & Pharmaceuticals & Ors.

Mr. Sabyasachi Chatterjee,
Ms. Anindita Banerjee,
Mr. Suryanu Sengupta,
Mr. Subhrajit Saha
....for the petitioner.

Mr. Subrata Choudhury
....for the respondent nos.1 & 2.

Mr. Sailendra Kumar Tiwari
....for Union of India.

Affidavit of service filed in Court today is taken on record.

The petitioner says that he was an employee of Bengal Chemicals & Pharmaceuticals Limited (respondent no.1) since 5th October, 1979 and retired from service on superannuation with effect from 1st August, 2015. The petitioner says that he has not been paid his retiral benefits in full and other entitlements accrued while in service of respondent no.1. The petitioner, therefor, is claiming release and disbursement of his unpaid retiral benefits and other entitlements, which have accrued to him during his service tenure. The petitioner says that despite there being representation from the side of the petitioner,

no steps have been taken by the respondent no.1 to decide on such representation.

On behalf of the respondent nos.1 and 2, it is submitted that the retiral benefits have been duly paid to the petitioner and the petitioner is not entitled to any further payments, particularly in view of settlement recorded in the Memorandum of Settlement dated 26th December, 2019.

In view of this assertion and denial, I think justice will be sub-served if I allow the petitioner to file a comprehensive representation before the respondent no.1 for being considered by the respondent no.2 instead of hearing the matter after affidavits. This will also minimise the factual disputes between the parties.

The petitioner is directed to file a comprehensive representation including therein all claims and entitlements by 20th September, 2021 before the respondent nos.1 and 2.

The respondent no.2 shall pass a reasoned order after allowing the petitioner a personal hearing following the prevailing COVID-19 protocol within eight weeks from the date of filing of the representation. Immediately upon passing of the order, the same shall be communicated to the petitioner. The respondent no.2 shall decide the petitioner's claim, if any made before him, without

being influenced in any manner whatsoever by the instant matter. I also make it clear that I have not gone into the merits of the case.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Parties shall act on a server copy of the order without being insisting upon production of a certified copy thereof.

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

(Arindam Mukherjee, J.)