

the district of Darjeeling till the date of his voluntary retirement on 29th July, 1994.

It is the grievance of the petitioner that even after unblemished and uninterrupted service for about 24 years the petitioner was not paid retiral *ex gratia* of Rs.89,250/-. He made representation one after another to his superiors. However, in reply, he was informed that papers relating to his service were not available in the office.

If the petitioner is entitled to *ex gratia* on voluntary retirement the respondent authority is legally bound to make such payment. This cannot be a ground that payment of *ex gratia* could not be made to the petitioner for want of necessary papers to be maintained in the office of the respondent authorities.

In view of such circumstances, the instant writ petition is **disposed** of directing the respondents, especially respondent nos. 2 and 5 to release *ex gratia* payment to the petitioner within two months from the date of this order, if at all the petitioner is entitled to such sum.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Bibek Chaudhuri, J.)