

ORDER SHEET

WPO 169 of 2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KISHORE ROY
VS.
FOOD CORPORATION OF INDIA & ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 3rd August, 2021

Mr. Soumya Majumder, Mr. Samrat Dey Paul,
Advocates for the petitioner.
Mr. Kamal Kumar Chattopadhyay, Advocate for respondents.

The Court : The petitioner retired from his service as a Category-II Officer in Food Corporation of India pursuant to an office order issued by the respondent no.1. The petitioner says that the petitioner is entitled to the benefit of leave encashment upon his superannuation but has not been given so which has compelled the petitioner to file this writ petition.

The respondents have filed a report in the form of an affidavit affirmed on 22nd July, 2021. It appears from the said report in the form of an affidavit that the petitioner is entitled to leave encashment but the same has not been granted as certain sum is recoverable from the petitioner on account of overpayment/overdrawal. The respondent nos.1 to 3 have filed a supplementary affidavit to the report in the form of an affidavit which is taken on record. From the said supplementary affidavit it appears that a sum of Rs.48,777/- is recoverable from the petitioner. The petitioner is

agreeable to receive the amount he is entitled to against leave encashment after deduction of the said sum of Rs.48,777/-.

Considering the fair stand taken by the parties, I direct the respondent no.3, being the disbursing authority to release the amount payable to the petitioner towards leave encashment after deducting the said sum of Rs.48,777/-. The respondent no.3 before disbursing the amount to the petitioner shall provide a detailed accounts as to the amount receivable by the petitioner towards leave encashment upon superannuation and thereafter shall show the deduction of the said sum of Rs.48,777/- from such amount. The accounts should be provided to the petitioner within a period of six weeks from date and the disbursement shall be made within eight weeks from date. The petitioner shall be entitled to receive the amount without prejudice to his rights and contentions if the petitioner finds any discrepancy in the accounts. The discrepancy, if any, shall however be pointed out by the petitioner after receiving the accounts but before the time fixed for disbursement.

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

(ARINDAM MUKHERJEE, J.)