

24 10.5.2022
Sc Ct. no.4

MAT 286 OF 2022
with
I.A. No. CAN 1 OF 2022

Siddhartha Sankar Bandyopadhyay
Vs.

The State of West Bengal & Ors.

Mr. Srikanta Datta

.... For the Appellant

Mr. Ashim Kr. Ganguly
Mr. Bellal Shaikh.

.... For the State/
Respondents

Even after attaining the superannuation, the appellant was denied the arrear salary which he was entitled under the statutory provisions. Since all the requests and approaches failed to convince the authorities, the appellant filed a writ petition before this Court seeking a mandamus upon the authorities to disburse the said amount. By the impugned order, the Single Bench disposed of the said writ petition directing the arrear salary to be paid as specified therein but did not grant relief in the form of interest to carry thereupon, precisely for the said reason that the present appeal has been filed.

The State supported the impugned order but accepted the legal entitlement of the appellant to the said amount. According to the State, the moment Single Bench directed the said amount to be paid as arrear

salary and refund to award interest thereupon, the appellate court should seldom interfere with the said order as the discretion was exercised in reasonable manner.

Since the amount was unreasonably withheld by the State authorities, which ought to have been paid timely, we do not find any justification in the stand of the State that the petitioner is not entitled to interest thereupon.

The impugned order is, therefore, modified to the extent that the State authorities shall pay Rs.1,64,329/- along with interest @4% per annum to be calculated from the date of superannuation till the actual payment.

With the above direction, the appeal is disposed of. Accordingly CAN 1 of 2022 is also disposed of.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Rabindranath Samanta, J.)

(Harish Tandon, J.)