

05.12.2022

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WPA 4740 of 2017

Sisir Kumar Ta

Vs.

The Director of Technical Education & Ors.

Mr. Sandip Ghosh

Mr. Partha Sarkar

... For the petitioner.

On November 18, 2016, a coordinate Bench of this Court directed the Superintendent, ITI Satish Chandra Kalanabagram, Burdwan to consider the prayer of the petitioner for interest on delayed payment of arrear salary. The said prayer was rejected by a reasoned order dated January 18, 2017 by the said Superintendent. This writ petition assails the said order dated January 18, 2017.

The order impugned in the writ petition succinctly narrates the factual background. The petitioner was suspended by the governing body of the said college on August 14, 1982. A departmental proceeding was initiated and the petitioner was found guilty. A penalty of Rs.1,41,300/- was imposed upon him. The petitioner accepted the decision and promised to pay the said amount. On the basis of his undertaking, the suspension order against the petitioner was withdrawn and he was reinstated on February 28, 2002.

The service period for which the petitioner was under suspension was treated as 'spent on duty' and accordingly a sum of Rs.3,34,867/- was paid to him on May 9, 2008 as arrear salary. The fact also remains that the petitioner was paid the interest at the rate of 10% p.a. on delayed payment of subsistence allowances

by a Coordinate Bench of this Court in an earlier round of writ petition.

I find no substance in the claim of the petitioner for granting any interest on arrear salary. As noted above, the petitioner did not actually work for the said period. There is no equitable ground to award the same since he was found guilty in the disciplinary proceeding and only on his undertaking to pay Rs.1,41,300/-he was reinstated in service.

The authority even after finding him guilty decided to reinstate in service and to pay the arrear salary.

I am of the view that the petitioner should have been satisfied when he got the arrear salary without doing any work. There is no justification for the claim of the petitioner for granting interest on such arrear salary.

WPA 4740 of 2017 is dismissed accordingly.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)