

15.06.2022

WPST 27 of 2022

Court : 04
Item : PB - 28
Matter : WPST
Status : DO
Transcriber: nandy

The State of West Bengal & Ors.

Vs.

Madhabi Das & Anr.

Ms. Chaitali Bhattacharya, Advocate

Mr. Himangshu Ghosh, Advocate

.....for the Petitioners/State

Mr. Biswarup Nandy, Advocate

.....for the Respondent No. 1

Admittedly the State Chief Information Commissioner, West Bengal imposed penalty of Rs.25,000/- (Rs. Twenty-five thousand) on January 6, 2020 upon the respondent no. 1 to be deposited under the Right to Information Rules, 2006 within four weeks from the date of receipt of the said order.

Within a span of one month the respondent attained superannuation but since there was no communication made to the respondent for depositing the said amount by way of a penalty, the retiral benefit was withheld by the authorities. There was no further challenge by the respondent to the order dated January 6, 2020 and, therefore, the said order passed by the State Chief Information Officer stood final.

The Tribunal was approached for non-payment of the retiral benefits on the date of superannuation with further prayer to pay compensation by way of awarding interest. While disposing of the tribunal application, the interest upon the delayed payment of retiral benefits was awarded with categorical finding that since the appellant has deducted the said amount of penalty from the retiral benefit such amount shall be treated to have been deposited for such penalty.

The sole grievance of the State in the instant writ-petition is that the tribunal could not have awarded the interest upon the amount of penalty, which the respondent was supposed to pay within the time indicated in the order dated January 6, 2020.

We find substance in the submission of the State in this regard. The moment the order, imposing penalty attained finality, it was an obligation of the respondent to deposit the said amount. Since the said amount cannot go to the credit of the respondent, in our opinion, the respondent is not entitled to an interest upon the said amount of penalty.

The order of the Tribunal is modified to the extent that the writ-petitioner shall pay an interest at the rate as indicated in the impugned order on delayed payment of retiral benefits and while calculating the same an amount of Rs.25,000/- shall be segregated therefrom as no interest would carry thereupon.

The entire amount shall be paid in terms of the said order of the tribunal within two weeks from the date of communication of this order.

With these observations, the writ-petition being **WPST 27 of 2022** is **disposed of**.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)

