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**07.04.2022**
Ct. No.23
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

**WPA 9595 of 2021**
**with**
**CAN 1 of 2021**

Ajit Kumar Talukdar
Vs.
Union of India & Ors.

Mr. Syamal Kumar Das
Ms. Smita Pal
Ms. Krishna Yadav
... For the petitioner

Mr. Suman Chattopadhyay
... For the Union of India

Mr. Bijoy Kumar
Mr. Balaram Patra
... For the CIL

The matter was mentioned by the respondent Coal India Limited (in short "CIL") on the ground that nothing further remains to be adjudicated in the writ petition as the principal sum claimed by the petitioner as his honorarium has been fully paid after deduction of tax and, as such, the matter was placed in the list.

CIL has made over to Court a letter dated 16th February, 2022 addressed to the learned advocate representing CIL along with a photocopy of the pay order issued through State Bank of India. The said documents are taken on record.

On perusal of such documents, it appears that a sum of Rs.2,43,000/- has been paid to the writ petitioner after deduction of tax.

The petitioner says that Rs.2,70,000/- is the gross amount which was payable to the petitioner and he has received Rs.2,43,000/- after deducting tax from the said sum of Rs.2,70,000/-.

So far as the principal sum claimed by the writ petitioner is concerned, there is no dispute which falls for further adjudication. Rs.2,70,000/- is the gross amount which was payable to the petitioner and he has received Rs.2,43,000/- after deduction of tax from the said sum of Rs.2,70,000/-. The only part remains whether the petitioner is entitled to interest. The fact remains that the money, which was required to be paid to the petitioner on having not been paid, remained with CIL and has earned some interest during these years. CIL, therefor, is required to compensate the petitioner by paying interest.

However, considering that the principal sum has already been paid, I direct CIL to pay interest at the rate of four per cent per annum on Rs.2,70,000/- from 1st June, 2016 till 27th January, 2022. These two dates are arrived at by considering the fact that the petitioner had worked till 31st May, 2016 and the gross principal sum was paid on 28th January, 2022 after deduction of tax. The interest shall be paid by 31st May, 2022.

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

CAN 1 of 2021 is an application for further order filed by Coal India Limited.

In view of disposal of the writ petition, no further order is required to be passed in the instant application, which is also disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

**(Arindam Mukherjee, J.)**