

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16664 of 2021

Gobinda Prasad Chakraborty & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Ramkrishna Bhattacharyya
... For the petitioners

Mr. Asish Kumar Guha
Mr. Somnath Naskar
... For the State

Forty-nine retired West Bengal National Volunteer Force personnel (hereinafter referred to as “WBNVF”) engaged under the West Bengal National Volunteer Force Act, 1949 have filed the instant writ petition espousing their common cause.

The deficit court fees has been paid on 15th December, 2021 under filing no.A-14177.

The petitioners say that they have retired from their services on or before 1st September, 2008. As per the norms prevailing at the time of their retirement, each of the petitioners has received a sum of Rs.50,000/- as exgratia/terminal benefit. The petitioners say that on and from 1st November, 2020, the exgratia/terminal benefit amount has been increased from Rs.50,000/- to Rs.3 lakh. The petitioners claim that they are entitled to such enhanced amount and should be paid the difference

between the enhanced amount and the amount they have already received.

The Association representing WBNVF had made a representation in this regard and the petitioners claim to be the members of the said Association. No individual representation has been made.

In the aforesaid facts and circumstances, the petitioners are permitted 15 days time to make either individual or a joint representation to the State Commandant, WBNVF. In the representation and/or the representations, as the case may be, the petitioners shall clearly state their date of retirement and the date on which they have received the unamended exgratia/terminal benefit.

In the event, such representation and/or representations, as the case may be, are made, the State Commandant, WBNVF, shall dispose of the representation and/or representations, as the case may be, within eight weeks from the date of making the representation. The State Commandant shall be free to decide on the procedure of hearing, but shall abide by the principles of natural justice while deciding the representation and/or representations. The representation and/or representations, as the case may be, should be disposed of by a reasoned order and such order should be communicated to the petitioners within a period of ten days from the date of passing of the same.

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

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)