

17.06.2022
Sl. No.76
srn

W.P.A. No. 20060 of 2021
With
CAN 1 of 2022
Union Farmers' Service Co-operative Society Ltd.
Versus
The State of West Bengal & Ors.

Mr. Subrata Kumar Basu,
Ms. S. Sengupta

...for the Petitioner.

Mr. Susanta Pal,
Ms. Ananya Neogi

...for the State-respondents.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra

...for the Respondent No.2.

None appears on behalf of the respondent No.7, the
loanee and defaulting member.

The employer of the loanee, namely Block Livestock
Development Officer, Jagatballav Pur, Howrah has already
intimated the Principal Accountant General (A&E), West Bengal
that the entire amount of Rs.9,50,000/- should be adjusted from
the pensionary benefits of Kalyan Kumar Singha Roy so that the
same may be credited in favour of the Union Farmers' Service
Co-operative Society Limited, Rampara, Hooghly. An execution
case is also pending with regard to the remaining amount. Such

instruction was issued pursuant to an order dated January 19, 2022 passed by this court in this writ petition.

An award was passed by the Deputy Registrar of Co-operative Societies, Hooghly Range for an amount of Rs.17,18,552/- directing the respondent No.7, the defaulting member to pay the said amount to the petitioner society, towards liquidation of the principal amount along with interest.

The writ petition was filed for a direction upon the employer of Kalyan Kumar Singha Roy, the defaulting member not to release the entire retirement benefits to the respondent No.7 but to withhold the principal loan amount. Kalyan Kumar Singha Roy is a retired government servant. The State-respondents have already complied with the order. The letter of the Block Development Officer, Jagatballavpur, Howrah is taken on record. The amount shall be withheld from the pensionary benefits by the Principal Accountant, as instructed by the respondent No.6.

This court had directed that the principal amount of Rs.9,50,000 must be withheld, by referring to an agreement entered into between the petitioner/society and the respondent No. 7 under Section 59(2) of the West Bengal Co-operative Societies Act. Despite request by the petitioner's society, the respondent No.6 did not deduct the amount from the salaries or wages of the respondent No.7.

If the petitioner approaches the Principal Accountant General (A&E), West Bengal to credit the amount in favour of the society, the same shall be done in accordance with law. Prayer for release of such amount can also be made in the execution proceeding, which is allegedly pending.

The writ petition is, thus, disposed of.

In view of the disposal of the writ petition, the connected application has become infructuous and the same is disposed of accordingly.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)