

Ct. 05
Item No.17
21.11.2022
(Suvendu)

WPA 19934 of 2022

**Habibur Rahman Halder & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sridhar Chandra Bagari
.....for the petitioners

Mr. Sk. Md. Galib
Ms. Jyotsna Roy Mukherjee
.....for the State

40 petitioners before the Court served as members of the National Volunteer Force and were demobilized from service upon reaching the age of 60 years. The word “demobilized” is the accepted term for discontinuation from service. A list of 40 petitioners with their names, dates of retirement and dates of receipt of ex-gratia payment is annexed to the writ petition.

The grievance of the petitioners is that the petitioners were paid the ex-gratia amount after several years, in most of the cases 8 years from the dates of retirement.

The petitioners through their learned advocate say that the long delay in payment of the ex-gratia amount deprived the petitioners from

seeking alternative means of employment. The petitioners accordingly pray for interest for such delayed payment.

An order passed by a Coordinate Bench in *WP No. 2396(W) of 2019 [Madan Mohan Biswas & Ors. Vs. The State of West Bengal & Ors.]* has been placed before this Court whereby an order was passed granting payment of interest on the ex-gratia amount on account of the delay in making such payment. The order was not challenged by the State and there is no doubt that the petitioners before this Court are on similar if not an identical footing with the petitioners in *Madan Mohan Biswas*.

The ground taken on behalf of the State is that the amounts are disputed and that the petitioners are not on a similar footings as those in *WP No. 2396 (W) of 2019*. This ground is rejected on a perusal of the pleadings before the Court.

WPA 19934 of 2022 is disposed of with a direction on the State Commandant, W.B.N.V.F. Directorate, being the respondent no. 2 to pay interest @ 8% per annum on the amount of Rs. 50,000/- released to the petitioners in accordance with the tabulated statement in annexure P1 to the writ petition. The interest shall be paid from the date following the particular date of retirement

until payment of the amount of Rs. 50,000/- to the particular petitioner. The payments shall be made by the State respondents within six weeks from today.

Since the State respondents were in the know of the directions passed by the Coordinate Bench but chose not to take any steps in the matter for making good the delay, the State respondents shall also pay costs of Rs. 20,000/- to each of the 40 petitioners within six weeks from date. This direction is being made taking into account the extremely penurious condition of the petitioners.

This order is being made subject to the petitioners' putting in deficit Court Fees by 4.30 p.m. on 23rd November, 2022.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)