

07.11.2022
ML-34
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22423 of 2022

Amiya Kumar Raj & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das

....for the petitioners.

Affidavit of service filed in Court today is retained with the records.

The petitioners' grievances that the Leave Encashment Benefits that the petitioners were entitled to as employees of Agricultural Training Centre (in short "ATC"), Ramakrishna Mission Ashrama, Narendrapur were rejected by a circular dated December 10, 2021 issued by the Government of West Bengal, Department of Agriculture, Training Branch (hereinafter referred to as the Impugned Circular).

Mr. Jana, learned counsel, appearing for the petitioners submits that the said issue of Leave Encashment Benefits have been dealt with by several coordinate Benches of this Hon'ble Court starting from the year 2014 in W. P. No. 2764 (W) of 2012 when the ex-employees approached this Hon'ble Court under Article 226 of the Constitution of India and the Leave Encashment Benefits were disbursed to

them. Despite being entitled to and the issue being squarely settled, the ex-employees are not given the leave encashment benefits unless they approach this Hon'ble Court. Detailed consideration of the issue was made by a coordinate Bench of this Hon'ble Court by a judgment and order dated March 14, 2019 passed in **W. P. 19948 (W) of 2018 (Satinath Das & Ors. vs. State of West Bengal & Ors.)**

After considering the issue at length, the coordinate Bench quashed the Impugned Order/Notification regarding rejection of the Leave Encashment Benefits payable to the writ petitioners therein and directed the Finance Department, Government of West Bengal to transmit to the Department of Agriculture, Government of West Bengal the funds necessary towards payment of the leave encashment benefits within 15 days of communication of the order. A circular issued by the Government of West Bengal dated September 18, 2020 with regard to the payment eligibility of the retired employees of the Agricultural Training Centre is handed over in Court today. Such circular is retained with the record. Benefits are extended to the retired employees on and from January 1, 2020, being the date of retirement. The writ petitioners herein retired in 2017/2018.

Despite service, no one appears on behalf of the respondents.

After considering the submissions made on behalf of the petitioners and the materials placed on record, this Court directs the respondent nos.2 and 3 to transmit the necessary funds towards the leave encashment benefits of the four writ petitioners within 15 days from the communication of this order to the respondent nos.4 and 5.

Upon receipt of such funds, the respondent no.5 shall expeditiously disburse the said benefits to the writ petitioner, within 30 days from the date of receipt of funds.

With the directions aforesaid, the writ petition, being **WPA 22423 of 2022**, is **allowed**.

Needless to mention that the Impugned Order dated December 10, 2021 is set aside and/or quashed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)

