

05.
06.06.2022.
Ct. No. 11.
F.B.

**MAT 1794 of 2019
with
IA No. CAN 1 of 2020
(Old No. CAN 2318 of 2020)**

**Shyamal Kanti Chattopadhyay
-Vs.-
The State of West Bengal & Ors.**

**Mr. Rajdip Ray,
Ms. Mousomee Shome
..... For the Appellant.**

**Mr. Sharanya Chatterjee,
Mr. Nepesh Majhi
..... For the Respondent
Nos. 4 to 8.**

Party/Parties is/are represented in the order of
their appearance as printed above in the cause title.

This appeal has been preferred against the
Judgement dated 4th of January, 2019 passed in W.P.
No. 22250 (W) of 2018 wherein Learned Single Judge of
this Court had directed the Managing Director of the
Respondent Company, being the Respondent No. 6 to
request the Principal Secretary, Finance Department,
through proper channel to release the money due to the
petitioner, towards leave salary according to his
entitlement. It was further directed that such request
shall be made with particulars of the amount payable to
the petitioner within six weeks from the date of

communication of the order and the amount should be released within a period of six weeks thereafter, in default of payment of leave salary to the petitioner within a period of twelve weeks from the date of communication of the order, the petitioner shall be entitled to interest at the rate of 6 per cent per annum for the period taken by the Respondent Company in releasing the payment after expiry of twelve weeks.

Having heard Learned Advocate for the Appellant as well as Learned Advocate for the Respondents, it appears that the concerned authority has paid the leave salary dues to the Appellant within the time specified in the impugned order passed by Learned Single Judge.

Learned Advocates for the Appellant have not been able to cite any statutory provision whereby any legal right is created in favour of the Appellant to receive interest over the delayed payment of leave salary.

In view of such matter, it appears to us that the Appellant is not entitled to any interest on the leave salary which has already been received by him. The impugned order of Hon'ble Single Bench therefore required no interference.

Under such circumstances, **MAT 1794 of 2019** along with **IA No. CAN 1 of 2020 (Old No. CAN 2318 of 2020)** are **dismissed**.

Since affidavits are not invited, all other allegations are deemed to be denied and disputed.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

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

(Ananda Kumar Mukherjee, J.) (Subrata Talukdar, J.)