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2022

W.P.A. 27932 of 2008

**Srimanta Kumar Raut
Versus
University of Calcutta & Ors**

Mr. Saptarshi Roy,
Mr. Siddhartha Roy,
Ms. Kakali Das Chakraborty,
... For the petitioner.

Mr. Nilotpal Chatterjee,
Mr. Satyaki Banerjee,
... For the University.

Mr. Swapan Kumar Dutta,
Mr. Rajat Dutta,
... For the State.

In this writ petition, the petitioner has prayed for the release of his salary “upto the extended period of service” on a misconceived notion that he has served in the University beyond the age of his superannuation though he was duly communicated by the University that his prayer for re-employment had been turned down.

The letter dated June 1, 2007, from the Registrar of the University makes this factual aspect absolutely clear. The petitioner by the said letter was communicated as follows:-

“That the prayer of Dr. S.K. Raut, Dept of Zoology for consideration of his case of re-employment beyond 31.7.2007 the date of his superannuation be regretted.”

To argue that the petitioner served beyond his date of superannuation i.e. July 31, 2007, in the University,

the learned advocate for the petitioner relies upon a certificate issued in 'Form 16' under Section 203 of the Income Tax 1961 for deduction of tax at source from salaries of the petitioner. It has been suggested by the learned advocate for the petitioner that said Form shows that an amount of Rs.38,778/- has been deducted as tax for the salary paid to the petitioner from April 1, 2007, to March 31, 2008.

The petitioner has misread the certificate. The certificate was issued for the period from April 1, 2007, to March 31, 2008 (Financial year 2007-2008).

From page 13 of the report dated May 4, 2022, filed by the University, it is absolutely clear that the petitioner was never paid any salary after July 31, 2007. The said tax amount of Rs.38,778/- was, in fact, deducted for the salary drawn by the petitioner from April 1, 2007, to July 31, 2007.

The petitioner, further, relied upon a letter dated September 22, 2009, appearing at page 15 of the supplementary affidavit affirmed by him on March 15, 2022, to suggest that he was in service even on that date.

It is true that by the letter dated September 22, 2009, the petitioner had been addressed as a "Reader" by the Vice-Chancellor of the University. The resolution of the University dated May 15, 2007, as quoted above, clearly shows that the petitioner was denied extension

beyond July 31, 2007, by the University. An isolated letter from the Vice-Chancellor, in which the petitioner has been mistakenly addressed as “Reader”, does not prove that the service of the petitioner was extended after July 31, 2007.

In view of the above discussion, I am of the view that there is no scope to pass any order in this writ petition.

Accordingly, WPA 27932 of 2008 is dismissed.

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

(Kausik Chanda, J.)