

Ct. 16.02
No. 14 2023
16
akb

W.P.A. 2157 of 2016
Madan Mohan Sarkar
-Versus-
The West Bengal Power
Development Corporation. Ltd. & Ors.

Mr. Uday Narayan Betal ...For the Petitioner

Mr. Ranjay De
Mr. Basobjit Banerjee ...For the Respondent Nos. 1-5

Mr. N. Ghosh Dostidar ...For State Respondents

It is stated by the petitioner that he worked as a Physical Instructor in Kolaghat Thermal Power Plant High School on temporary basis. Initially his pay was of Rs. 1,000/- and thereafter his pay was enhanced to Rs. 4,000/- since 2010. Subsequently, his pay was enhanced to Rs. 7,000/- as consolidated pay per month.

The petitioner by filing this writ petition seeks direction upon the respondents to pay honorarium / emoluments to him in terms of the Memo No. 9008-(F)(P) dated 16th September, 2011 issued by the Finance Department, Government of West Bengal.

Mr. Ranjay De, learned Counsel appearing for the respondent Nos. 1 to 4 submits that the petitioner was a Physical Instructor Kolaghat Thermal Power Plant Prathamik Vidyalaya which is controlled by the District Primary School Council. He further submits that the Kolathat Thermal Power Plant High School Authority engaged the petitioner as a physical instructor temporarily and on part-time basis. He submits that the benefits of the Memorandum as referred to in the writ petition cannot be extended to the petitioner since West Bengal Power Development Corporation Ltd. has not adopted this Memorandum.

However, after having heard the learned Counsels for the parties, this Bench by order dated 20th January, 2023 passed the following directions :-

“Having heard learned counsels appearing for the respective parties and without entering into the merits of the case, I am of the opinion that an endeavour may be made whether any lump sum amount in the nature of terminal benefits may be extended to the petitioner on the part of the West Bengal Power development Corporation Limited.

Mr. Ranjay De, learned counsel appearing for the West Bengal Power Development Corporation Ltd., the first-fifth respondents herein, submits that he will communicate the desire of the court to the authority concerned and obtain the necessary instruction.”

Mr. Ranjay De, learned Counsel on instruction submits that the West Bengal Power Development Corporation Limited has agreed to extend the terminal benefits of Rs. 2 lakhs to the petitioner on attaining the age of superannuation adopting the principle as stated in the Memorandum No. 1107 (F)(P) dated 25th February, 2016 issued by the Finance Department, Government of West Bengal, without creating any precedent.

Having heard learned Counsels appearing for the parties and on consideration of the fact that the engagement of the petitioner has already come to an end on attaining the age of superannuation I feel that the writ petition may be disposed of by passing the following order.

The respondent No. 3, the General Manager, Kolaghat Thermal Power Plant under the West Bengal Power Development Corporation Limited is directed to pay

an amount of Rs. 2 (two) lakhs as terminal benefits to the petitioner within 30 (thirty) days from date. This amount will be credited to the Bank Account of the petitioner, particulars of which will be furnished by the petitioner along with the photo copies of his Aadhaar Card, PAN Card and a cancelled Cheque, if any, to the respondent No. 3 within seven days from date.

With the aforesaid directions the writ petition stands disposed of.

There will be no order as to costs.

All parties may act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)