

21.09.2023
DL-62
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6591 of 2023

Gobardhan Chandra Maiti
Vs.
The State of West Bengal & Ors.

Ms. Susmita Dey (basu)

...for the petitioner.

Mr. Suddhadev Adak

....for WBSMICL.

The petitioner's grievance in the writ petition was two fold:- (a) the petitioner's retiral benefits were paid belatedly (b) the petitioner was entitled to a further sum of Rs.17,530/- on account of balance terminal benefits due and payable to him.

The petitioner was an employee working with the West Bengal State Minor Irrigation Corporation Limited (WBSMICL). The petitioner worked as an Operator and superannuated from his service on October 31, 2013. The retiral benefits of the petitioner were disbursed on September 29, 2014. Such facts are undisputed.

Ms. Dey (Basu), learned counsel appears on behalf of the petitioner.

Mr. Adak, learned counsel appearing on behalf of WBSMICL hands over an account payee cheque of Rs.2,000/- to Ms. Dey (Basu) in Court today in compliance of the order dated July 26, 2023. He submits that the petitioner joined on daily wage basis on March 1, 1976. He joined the company as a

permanent employee on May 1, 1977. Therefore, the petitioner's retiral dues shall be calculated from May 1, 1977 and not from the date of joining on March 1, 1976.

Ms. Dey (Basu), learned counsel appearing on behalf of the petitioner does not contend such submission. Therefore, there is no question of payment of balance retiral dues taking the date of joining as March, 1976.

Accordingly, this Court directs interest @ 6% per annum to be paid to the petitioner from November 1, 2013 (the date subsequent to the date of his retirement) till September 29, 2014 (when the retiral dues were actually disbursed to the petitioner). Such interest shall be disbursed to the petitioner within 3 months from the date of the order.

With the directions aforesaid, **WPA 6591 of 2023 is disposed of.**

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.)