

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10304 of 2023

Mahananda Mondal
Vs.
The State of West Bengal & Ors.

Mr. Tauhid Khan
Mr. Monirul Islam Mollah
Mr. Iftekar Munshi
... For the petitioner.

Mr. Somnath Naskar
... For the State

Ms. Aparna Banerjee
... For the provident fund authority

Ms. Anita Pandey
Ms. Sneha Singh
... For the respondent nos. 5 and 6

1. The present writ application has been filed, *inter alia*, praying for a direction upon the respondent nos. 5 and 6 to disburse the provident fund accumulations of the petitioner along with interest @ 12 per cent per annum.
2. The petitioner claims that he was appointed sometime on 3rd January, 1984, by the respondent no.5. The petitioner has since reached the age of superannuation on 31st December, 2019. Subsequently, thereafter, the petitioner had applied before the respondent no. 5 for disbursal of his retiral dues.
3. Despite making such representation, since the respondent no.5 did not make payment any amount in

favour of the petitioner, the petitioner was constrained to file the present writ application.

4. Ms. Singh, learned advocate representing the respondent nos. 5 and 6 submits that although the petitioner had reached the age of superannuation on 31st December, 2019, yet he had actually retired on 13th August, 2021. She places before this Court a cheque for a sum of Rs.1,94,935.90P, dated 8th May, 2023, drawn by Central Bank of India, Sankrail, Howrah, in favour of the petitioner "Mahananda Mondal". Along with the cheque a provident Fund Statement of Subscriber's balance has also been placed before this Court. It is submitted that on the basis of computation made by the respondent nos. 5 and 6, the petitioner is entitled to the aforesaid sum of Rs.1,94,935.90P.
5. Ms. Banerjee, learned advocate representing the provident fund authorities enters appearance in the matter.
6. Heard the learned advocates appearing for the respective parties and considered the materials on record. Since the writ application has been filed, *inter alia*, praying for disbursal of the provident fund accumulations of the petitioner, I am of the view that no useful purpose will be served in keeping the writ application pending.

7. The cheque drawn in favour of the petitioner for a sum of Rs.1,94,935.90P is made over to Mr. Khan, the learned advocate representing the petitioner along with a provident fund statement of subscriber's balance who acknowledges receipt of the same on behalf of the petitioner. The petitioner is also directed to personally acknowledge receipt of the aforesaid cheque.
8. Insofar as payment of interest is concerned, I am of the view that justice will be sub-served, if the respondent no.5 and 6 are directed to make payment of further interest @ 7 per cent per annum on the provident fund accumulations, from the date when the petitioner has retired i.e. 13th August, 2021, till 8th May, 2023 to the petitioner.
9. The respondent nos. 5 and 6 are, accordingly, directed to compute the aforesaid amount and pay the same in favour of the petitioner within a period of eight weeks from the date of communication of this order.
10. With the aforesaid observations and/or directions, the writ application, being WPA 10304 of 2023 stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)