

17 02.01.2023
rkd Ct.15

W.P.A. 13415 of 2017

Arun Kumar Paul

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das

....for the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

...for the State.

The writ petition is heard in presence of the learned advocates representing the petitioner and the States respondents.

Petitioner has claimed interest on arrear dues payable to him for the period from 18th September, 2002 to 31st March, 2008.

Petitioner has claimed interest on such arrear dues for the period from 3rd December, 2013 till the payment is made in favour of the petitioner on 31st July, 2015.

It has been submitted on behalf of the petitioner that pursuant to the order dated 4th July, 2016 passed by the coordinate Bench on the writ petition being WPA 9611 of 2016 the District Inspector of Schools (SE), Purba Medinipur passed

an order as contained in memo dated 30th December, 2016 which is under challenge in this writ petition whereby the respondent no.3 has refused to grant interest on delayed payment of arrear dues to the petitioner.

This Court has perused such decision of the respondent no.3 as contained in memo dated 30th December, 2016 whereby respondent no.3 has made an attempt to indicate the relevant dates on which steps were taken by the State respondents for processing arrear claim of the petitioner and ultimately same was paid to the petitioner on 31st July, 2015.

On minutely considering the steps taken by the authorities in reference to the dates mentioned in the decision taken by the respondent no.3, it appears that there was delay on the part of the State respondents for the period from 29th September, 2014 to 29th May, 2015; during such time the issue was pending before the Commissioner of School Education, West Bengal. It further transpires had the approval been granted in favour of the petitioner quickly from the end of the Commissioner of School Education the arrear dues of the petitioner could have been released in his

favour earlier. This period of delay remains unexplained.

Mr. Chattopadhyay, learned advocate appears for the State respondents who has opposed the claim of the petitioner seeking interest on arrear dues.

However, in spite of giving direction for filing affidavits by the coordinate Bench on 28th July, 2017 on this writ petition no affidavit has been filed till date on behalf of the State respondents. Accordingly, Court has to proceed on the basis of the decision taken by the respondent no.3 as it emanates from the memo dated 30th December, 2016.

In view of the aforesaid facts, this Court directs the State respondents to grant interest in favour of the petitioner on the arrear dues paid to him for the period from 29th September, 2014 till 29th May, 2015 at the rate of 7% per annum.

Such interest to be paid in favour of the petitioner within a period of six weeks from the date of communication of this order.

With the aforesaid direction the writ

petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)