

WPA 13141 OF 2019

Subal Chandra Bagchi

Vs.

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya)

... For the Petitioner

Mr. Sabyasachi Mondal

... For the State

Affidavit-of-service, filed in Court today, is taken on record.

The facts are not much relevant. The petitioner suffered suspension as the petitioner had undergone custody. The petitioner ultimately was acquitted by the jurisdictional criminal court.

The West Bengal Board of Secondary Education (for short the Board) then by its communication dated **July 3, 2012, Annexure-P5 at page 31** to the writ petition ***treated the suspension period of the petitioner as “spent on duty” with pay*** and the Board further observed that, the petitioner will get all admissible benefits in his service period for the said period of absence. The ***arrear salary of the petitioner was released*** and the ***petitioner was paid on October 31, 2017*** as would be evident from the ***bank statement*** relied upon by the petitioner, ***Annexure-P7 at page 33*** specifically at ***page 34*** to the writ petition.

The petitioner claimed interest for the period between **July 4, 2012 till October 30, 2017**.

Ms. Sabita Khutia (Bhunya), learned advocate appears for the petitioner.

Mr. Sabyasachi Mondal, learned advocate appears for the respondent nos. 1 to 4.

Learned State advocate has also confirmed the facts as to the decision of the Board dated **July 4, 2012** and the actual date of payment being dated **October 30, 2017**.

In view of the above, the respondent no.4 is directed to calculate **interest @8% per annum** since **July 4, 2012 till October 30, 2017 on the principal quantum of arrear already paid to the petitioner** and then upon carrying out the necessary formalities and taking all consequential steps shall forward the same to the **respondent no.6**.

The respondent no.6 then shall disburse and pay the amount to the petitioner as per the bank details to be furnished by the petitioner **positively** within a period of **three weeks** from the date of receiving the recommendation from the respondent no.4 for making necessary payment of interest, as directed above.

The entire exercise shall be carried out and completed by the **respondent no.4 positively** within a period of **four weeks** from the date of communication of this order.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above direction, this writ petition, **WPA 13141 of 2019** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)