

09.08.2023
DL-75
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15019 of 2023

Prodosh Kumar Kundu
Vs.
The State of West Bengal & Ors.

Ms. Ananya Neogi

....for the petitioner.

Mr. K. M. Hossain,
Mr. Tapas Kr. Mandal

....for the State.

Mr. T. M. Siddiqui
Mr. Suddhadev Adak

....for the respondent nos.3 & 4.

Report-on-Affidavit as handed over in Court
today is retained with the records.

The petitioner was superannuated from service
with effect from June 30, 2017. The petitioner worked
as a Sub-Divisional Engineer (Civil), Barasat Division
under West Bengal State Minor Irrigation Corporation
Limited (WBSMICL). The petitioner prayed for the
benefits of Leave Travel Concession (LTC) with effect
from October 11, 2016 to October 18, 2016.

Ms. Neogi, learned counsel, appearing on behalf
of the petitioner submits that the Managing Director,
WBSMICL vide communication dated August 16,
2017 allowed LTC in favour of the petitioner with
effect from October 11, 2016 till October 18, 2016.
The amount of LTC aggregated Rs.41,820/-.

However, the said amount was not disbursed to the petitioner even after retirement.

Mr. Adak, learned counsel appearing on behalf of WBSMICL was permitted to file a Report-on-Affidavit.

It is admitted in the said report that LTC was allowed to the employees of WBSMICL vide the Board of Directors' resolution no.137 dated June 17, 2008. The said resolution was taken in accordance with the Finance Department's G.O. dated December 7, 2005 vide no.9924-F. A memo dated March 23, 2022 issued by the Deputy Secretary, Water Resources Investigation & Development Department, Government of West Bengal is relied upon to show that the Government is not ready and willing to reimburse a sum of Rs.2,55,000/- in respect of LTC facility given by WBSMICL to 10 of its employees. Since in the 137th meeting, the Corporation itself decided to pay LTC to its employees without Government approval, the Government of West Bengal could not allow the proposed reimbursement of the said amount. Furthermore, it has been stated in the report that during the period of 2016-2017, several financial irregularities took place in WBSMICL and a special audit team was constituted in 2017

pursuant to the directions passed by this Hon'ble court.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the Board of Directors in 137th meeting approved payment of LTC to its employees. Such resolution in 137th meeting was taken pursuant to the G.O. dated December 7, 2005. LTC was approved for the period of October 11, 2016 till October 18, 2016 by the Managing Director, vide his communication dated August 16, 2017.

In the report there is no whisper as to whether such authorisation by the Managing Director was ever stayed by the Hon'ble High Court.

There is no reason to the mind of this Court as to why the amount on account of LTC benefit was not disbursed to the petitioner at the time of his superannuation with effect from June 30, 2017.

The petitioner retired in June, 2017, prior to a detailed report was required to be filed by the State of West Bengal regarding the financial status of WBSMICL on June 30, 2020.

In the light of the discussions hereinabove, this Court holds that there was no *justified* reason to withhold the amount payable to the writ petitioner on account of LTC.

This Court is of the view that despite sanction by the Managing Director on August 16, 2017, the petitioner was unnecessarily harassed and was compelled to approach this Hon'ble Court for payment of his LTC.

Accordingly, this Court directs a sum of Rs.41,820/- to be disbursed to the petitioner within a month from date.

The petitioner will also be entitled to interest @ 6% per annum from July 1, 2017 (the date subsequent to the date of superannuation) till the date when the arrears of LTC are disbursed to the petitioner.

With the directions aforesaid, **WPA 15019 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.)