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06.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 16701 of 2023

**Samarendra Nath Guchhait
-versus
State of West Bengal & Ors.**

**Mr. H.K. Das,
Mr. H. Ghosh.**

...For the Petitioner.

**Mr. Srijan Nayak,
Mr. Ankit Sureka,
Mr. Biplab Das.**

... For the respondent no. 4.

**Mr. Subrata Kr. Basu,
Mr. Sounak Sen.**

**... For the respondent
nos. 5 and 6.**

The petitioner claims to be a retired employee of a Co-operative Society. He alleges that his terminal benefit has not been paid allegedly on the ground that a defalcation proceeding is pending against him.

It appears that the petitioner approached this Court on an earlier occasion by filing writ petition being W.P. No. 5265 (W) of 2019 which stood disposed of by a coordinate Bench of this Court on 9th December, 2019 directing the Arbitrator to conclude the arbitration proceeding within a stipulated time period. The Court took note of the fact that the Registrar has directed payment of the terminal benefits to the petitioner.

The Arbitrator concluded the proceeding and passed award on 25th February, 2021.

The Arbitrator directed that the petitioner and others are liable to pay the entire amount of Rs.45,70,280/- only along with interest on the basis of their declarations given. On the failure to pay the aforesaid amount their movable and immovable properties, in the name of their family members should be attached and executed for sale in accordance with the provisions of law.

The petitioner being aggrieved by the award preferred an appeal being Appeal No. 6 of 2021 before the Co-operative Tribunal.

The petitioner reiterates his prayer for releasing his retirement dues.

I have heard the submissions made on behalf of all the parties.

It appears that the Court on the earlier occasion, on the selfsame facts, directed the Arbitrator to conclude the proceeding at the earliest. The proceeding has since been concluded and award has been passed. Appeal against the said award is pending consideration.

At this stage, no direction ought to be passed for payment of the retirement dues of the petitioner.

The Co-operative Tribunal is scheduled to function on and from 11th September, 2023.

It has been brought to the knowledge of the Court that the Tribunal has fixed the appeal for consideration

on 19th September, 2023. The Tribunal is requested to conclude hearing of the appeal at the earliest.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)