

11.12.2023
Court No.13
Item No. 37
pk

WPA 17699 of 2023

**Debasis Maitra
Vs.
The Calcutta Dock Labour Board and others**

Mr. Indraneil Ray,
Mr. Shunit Kumar Ray,
Mr. Subhadeep Maitra

... for the petitioner.

Mr. Piush Chaturvedi,
Mr. Uttam Kumar Mondal,

... for the Calcutta Dock Labour Board.

1. The Calcutta Dock Labour Board (CDLB) files a report, which is taken on record.

2. The facts of the case indicate that the petitioner superannuated as Assistant Law Officer from the CDLB on 01.11.2020.

3. Pursuant to a wage revision, all employees similarly situated like the petitioner were given arrears of such pay revision in three instalments. First instalment was released to the petitioner on 07.10.2021 and the second instalment was released on 25.01.2022. Insofar as the third instalment is concerned, there are certain events that need to be considered.

4. Post Covid pandemic the petitioner was asked to assist the CDLB to locate and trace out certain files relating to litigation and affidavits. Some of such affidavits could be traced but the others could not be traced. The

petitioner was not obliged to assist the CDLB post superannuation. He, however, did so assist the respondents from May, 2022 to July, 2022.

5. The third instalment of Rs.129588/- was released to the petitioner's bank account on 20th May, 2022. However on the instructions in writing from the CDLB the said amount of Rs.129588/- was credited back to CDLB by the bank.

6. Mr. Chaturvedi, learned counsel for the respondents would argue that they had specifically instructed their banker not to transfer the third instalment to the petitioner. There is however no valid or lawful explanation as to why the third instalment should not be paid to the petitioner.

7. Admittedly, no proceedings against the petitioner were taken out by the CDLB in this regard. It is another question as to whether any such proceeding could at all be taken out against the petitioner by the CDLB post superannuation. On the instructions of the CDLB, the bank recovered the third instalment of Rs.1,29,588/- from the petitioner's bank account and recredited the same to the CDLB.

8. The action of the CDLB in this regard in directing the bank firstly not to pay the third instalment and thereafter directing the bank to reverse the credit of the said amount of Rs.1,29,588/- from the petitioner's

account to that of the CDLB and the bank, apart from being ex facie illegal and arbitrary, may also amount to conversion in tort, if not a theft under penal laws.

9. The petitioner could have initiated an appropriate criminal proceedings against the concerned officials of the CDLB and the bank, in this regard. Luckily for the CDLB and the Bank he has not done so.

10. In the backdrop of the aforesaid discussions, this Court has no hesitation to direct the Union Bank of India, Kidderpore Branch to immediately credit the petitioner's bank account, with a sum of Rs.1,29,588/- towards the illegal actions of the CDLB in directing reverse credit of the said sum of money from the petitioner's account. CDLB shall additionally pay a sum of Rs.20,000/- towards penalty and/or costs and or fine to the petitioner which the said Union Bank of India, Kidderpore Branch shall debit from the CDLB's account and credit to the petitioner's bank account.

11. Upon such credit of Rs. 20,000/- in addition to the above Rs. 1,29,588/- within a period of 72 hours from the date of receipt of a copy of this order, all liabilities and obligations of the CDLB and the bank towards the petitioner shall cease. If the petitioner's service is pensionable the same shall continue.

12. The writ petition is disposed of with a warning to the CDLB and the Union Bank of India, Khidderpore Branch.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)