

Item-55. 26-09-2023

MAT 1463 of 2022
CAN 1 of 2023

sg Ct. 8

Mukul Chakraborty
Versus
State of West Bengal & Ors.

Mr. N.C. Bhandary, Adv.

...for the appellant

Ms. Tapati Samanta, Adv.

...for State

1. Affidavit of service filed in Court today is taken on record.
2. We have heard the learned Counsel for the parties.
3. Having regard to the fact that in the earlier proceedings, no relief was granted towards payment of interest, we are not allowing any payment of interest on the retiral dues prior to 12th April, 2012. However, there is an inexcusable delay for not releasing the said benefit to which the writ petitioner was entitled to in law, till 23rd November, 2017.
4. In view thereof, the petitioner shall be entitled to interest at the rate of 8% per annum on the retiral benefits from May 2012 till October 2016 and the aforesaid payment shall be made within a period of eight weeks from date.
5. The Commissioner of School Education, West Bengal Secondary Education, (School Education), Government of West Bengal shall hold an inquiry to find out the person responsible for not releasing the payment and shall recover the said amount from the said person/s within a stipulated period.
6. The order impugned is modified to the aforesaid extent.

7. The appeal is allowed in part. Appeal and the application are accordingly, disposed of.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)