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WPA 21088 of 2023

Mohit Kumar Dhar
Vs.
The State of West Bengal & Ors.

Mr. Bikash Chandra Das
Mr. Balaram Neogi
... For the petitioner.

Mr. Angshuman Chakraborty
... For respondent no. 4.

The petitioner was Head Clerk-cum-Cashier of Behala College, Kolkata.

A disciplinary proceeding was initiated against him alleging, inter alia, irregularities in handling and maintaining the accounts of the college.

After completion of the disciplinary proceedings, the petitioner was dismissed from his service.

The petitioner challenged the disciplinary proceedings by filing writ petition, **W.P. No. 10541 (W) of 1984 (Mohit Kumar Dhar Vs. The State of West Bengal & Ors.)**. The said writ petition was disposed of on January 05, 2016 by a learned single Judge of this Court with the following directions: -

“... In such circumstances the punishment awarded to the writ petitioner is set aside. The authorities are directed to treat the writ petitioner to be without any suspension till the date of his retirement by superannuation. The authorities will pay all salaries and entitlements that the writ petitioner would be entitled to if the

disciplinary proceedings were not initiated against him. It is expected that the authorities will clear all the dues to the writ petitioner within four weeks from the date of communication of this order to them. In the event of default of payment of such dues within the time period fixed the authorities will pay 8% interest per annum on and from the date of default till the date of payment.”

It has been submitted by the learned advocate appearing for the petitioner that even after the said order was passed, the petitioner was not granted pension since he could not file the option for pension.

Ultimately, a Division Bench of this Court by an order dated February 03, 2020 allowed the prayer of the petitioner enabling him to exercise his option of switching from Contributory Provident Fund to Pension Scheme. The operative part of the said order dated February 03, 2020 passed by the Division Bench in **MAT 1280 of 2019 with CAN 9739 of 2019 (Mohit Kumar Dhar Vs. The State of West Bengal & Ors.)** is quoted below -

“... Under such circumstances, we set aside the impugned order. We direct the Director of Public Instruction, West Bengal, to allow the petitioner to exercise his option from Contributory Provident Fund to pension scheme upon the petitioner’s refunding the employer’s contribution, if any, together with statutory interest. A detailed calculation sheet showing contribution made

by the principal employer, namely, Behala College shall be made over to the writ petition within two weeks from date. In the event the writ petition exercises his option within two weeks along with refund of the employer's share with statutory interest, as directed earlier, the Director of Public Instruction, West Bengal, shall take note of it and extend the benefit of the pension scheme to the appellant."

The petitioner acknowledges that after the order of the Division Bench he has been given all retiral dues along with arrear salary, including pension.

By filing this writ petition, the petitioner has prayed for grant of interest on his arrear salary and gratuity for delayed payment.

I am not inclined to pass such order on this writ petition.

While disposing of the writ petition on January 05, 2016, the learned single Judge specifically provided the interest provision as quoted above.

The Division Bench also while disposing of the appeal did not provide any interest on arrear salary and gratuity to the petitioner for the delayed payment.

In that view of the matter, I am of the view that the petitioner is not entitled to any further relief in addition to the reliefs granted to him by the learned Single Judge and the Division Bench as quoted above.

Accordingly, **WPA 21088 of 2023** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)