

11.12.2023
Item No. 26
Ct. No. 238
AKG

WPA 23356 of 2023
Sudhangshu Gorai
Vs.
The State of West Bengal & Ors.

Mr. Amlan Jyoti Sengupta,
Mr. M. Thakur

...for the Petitioner

Mr. Avijit Sarkar,
Mr. Biman Halder

...for the State

The petitioner retired as a Librarian on January 31, 2015 from Burabani Sahitya Mandir Library at Purulia.

On an earlier occasion by filing WP 6823 (W) of 2018 (Sudhangshu Gorai Vs. The State of West Bengal & Ors.), the petitioner moved this Court praying, inter alia, for release of his arrear salary, pension and other retiral benefits. The said writ petition was disposed of on December 10, 2018 with the following orders:

“Respondent no. 3 is directed to deal with petitioner’s clam for arrear salary, pension and other retiral benefits and dispose of the same four weeks after compliance by petitioner of requisition in said letter dated 10th August, 2018. Petitioner, on compliance with said requisition, will serve a copy of this order along with compliance upon first, respondent no. 5 and thereafter respondent no. 3. Time of four weeks will commence on such services made. With above directions, this writ petition is disposed of.”

The petitioner acknowledges that after the said order was passed, he received all his retiral dues including pension in the month of January, 2019.

By filing this writ petition in the year 2023, the petitioner has prayed for interest on gratuity for the belated payment and also for release of his unpaid salary for the month of January, 2009 to July, 2009.

From the instruction filed by the State, it appears that the salary of the petitioner was released for the said period and placed in the account of Burabani Sahitya Mandir, but the petitioner did not withdraw the amount.

The instruction further suggests that the petitioner never went to the said library to withdraw the amount and at present, the same amount is along with the bank account of Barraha Anchalik Pathagar.

The report further alleges that the petitioner was on unauthorised leave from February 4, 2012, and his salary upto March, 2012 had been placed in the account of Burabani Sahitya Mandir.

In that view of the matter, this writ petition is disposed of with a direction upon the respondents to release the unpaid salary of the petitioner for the period January, 2009 to July, 2009 within one-month from the date of communication of this order, if not already paid.

I am not, however, inclined to grant any interest for the belated payment of the retiral dues of the petitioner since delay in releasing the retiral dues of the petitioner cannot be attributed to the State only. Because of unauthorized absence of the petitioner, there was a delay in settling his retiral dues. Moreover, when the petitioner moved this Court on earlier occasion, no interest was granted to the petitioner by the order dated December 10, 2018.

The petitioner, though received retiral dues admittedly in the month of January, 2019, has filed this writ petition after more than four years.

With the aforesaid observations, **WPA 23356 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)