

11.10.2023
DL-154
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23399 of 2023

Jnanada Sankar Mandal
Vs.
The Durgapur Projects Limited & Ors.

Mr. Swagatam Deb

....for the petitioner.

Mr. S. S. Koley

.....for DPL.

Affidavit of service filed in Court today is retained with the records.

The writ petitioner was a permanent employee of the Durgapur Projects Limited (in short, DPL) which is a Government of West Bengal enterprise.

He was superannuated from October 31, 2021. The leave salary of 300 days has not been paid to the petitioner till date. The number of days of earned leave, due and payable to the petitioner is not in dispute.

Mr. Deb, learned Counsel appearing on behalf of the petitioner prays for earned leave of 300 days, which has not been paid till date. He further prays for interest on the earned leave, due and payable to the writ petitioner.

The issue has been squarely settled by various Judgements passed by a Co-ordinate Bench of this Hon'ble Court.

Relying on the judgements on the same issue and considering the facts of the case it is directed that the writ petitioner entitled to earned leave of 300

days and interest thereon @ 6% per annum from November 1, 2021 (the date subsequent to the date of retirement) till the date on which the actual payment will be made.

The respondent authority/DPL is directed to pay the aforesaid payment within six months from date.

With the directions aforesaid, the writ petition, being **WPA 23399 of 2023**, is **disposed of**.

Since no affidavits have been called for in the writ petition, the allegations contained therein be deemed not to have been admitted by the respondents.

Needless to mention, in case the petitioner has occupied the quarter granted by the employer after his retirement the occupation charges for the said quarter will be deducted from the retiral benefits that the petitioner is entitled to as per the extant rules and policies of the employer/DPL.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)