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Ct No 2023
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AGM

W.P.A. 26907 of 2022

Pradip Kumar Sarkar
Vs
West Bengal Housing Board & Ors

Mr. Arup Kumar Lahiri,
Mr. Udayan Datta, ... for the petitioner.

Mr. Amitava Mitra,
Mr. Paritosh Sinha,
Ms. Antara Choudhury,
... For the respondent nos. 1 to 6.

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

Mr. Arup Kumar Lahiri, learned counsel appearing on behalf of the petitioner submits that the reasoned order dated July 14, 2022 by the Housing Commissioner, West Bengal Housing Board is not a reasoned order at all.

The said order is arbitrary and passed with malafide intention and should be set aside and/or quashed.

The impugned order was passed pursuant to an order passed by a Co-ordinate Bench on **March 15, 2022** in **WPA 3059 of 2022**. When the petitioner went for personal hearing, he was made to wait unnecessarily. He was harassed and his defence was not considered by the Housing Commissioner/the respondent no. 2.

Mr. Amitava Mitra, learned counsel appearing on behalf of the respondents submits that the petitioner left

the hearing without presenting his case. There was no malafide intention on the part of the respondent No.2 in not considering the submissions of the petitioner.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that justice would be subserved by directing the respondent no. 2/the Housing Commissioner to consider the representations of the petitioner dated October 25, 2021 and January 17, 2022. While considering the said representations the respondent no. 2 shall also take into consideration the defence of the petitioner dated May 18, 2022 annexed at page 83 of the present writ petition.

The dispute relates to the computation of the dues payable to the petitioner on account of A) Provident Fund, B) Leave Encashment Benefit and C) Gratuity.

Let such reasoned order be passed by eight weeks from date.

Let the reasoned order be communicated to the petitioner by two weeks.

Since no affidavits have been directed to be filed in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

With these directions aforesaid, **WPA 26907 of 2022** is **disposed of**.

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

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Lapita Banerji, J.)