

17-03-2023
ct no. 13
Sl. 7
sp

WPCRC 12 of 2023
With
CAN 1 of 2023
In
WPA 114 of 2022

Samir Kumar Jana
-Versus-

Shri Debabrata Payra

Mr. Arijit Pradhan
Mr. Rajesh Naskar

.....for the petitioner

Mr. Sourav Mitra

....for the alleged contemnor

CAN 1 of 2023

CAN 1 of 2023 has been filed seeking recall of the order dated November 18, 2022.

It is submitted by Mr. Sourav Mitra, learned counsel for the alleged contemnor, that the petitioner is not entitled to the interest on the commuted value of pension in law. The petitioner was, however, paid such interest in in deference to this Court's order. A sum of Rs. 1,97,273/- has been paid towards interest.

The recovery of the same was started but stopped in view of this proceeding. The due process of law would be followed for such recovery.

Learned Counsel for the petitioner, Mr. Mukherjee, submits that such recovery by the respondents must be stopped.

This Court is of the view that such recovery of excess amount, if any, is a separate and independent cause of action, which may be the subject matter of an independent proceeding.

With the aforesaid observations, CAN 1 of 2023 and WPCRC 12 of 2023 shall also stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)