

10.
6.2.2023
S.D.

W.P.A. 28340 of 2022

**Ishteyaque Ahmad
Vs.
The State of West Bengal & Ors.**

Mr. Ayan Mitra
Ms. Antara Panja

... For the Petitioner

Mr. Debasish Ghosh
Ms. Piyali Sengupta

...For the State

Mr. Sourav Mondal

..For the Respondent No. 4

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

The petitioner claims to be the son of an employee who worked as Ex- Grade-I Jamadar Farash with the Public Works Department (PWD). The petitioner's father went missing on May 3, 2009. A General Diary was lodged on September 4, 2009 and treated as G.D. entry on January 24, 2010 by the Office-in-Charge, Hare Street Police Station. The police authorities concerned, after investigation confirmed the missing report vide Memo No. 408/R/CD dated March 4, 2013.

By an office order dated April 1, 2016 issued by the respondent no. 2/the Joint Secretary (Personnel), PWD, it was ordered that the payment of salary dues upto May 4, 2009

and all other pensionary benefits from May 5, 2009 till September 16, 2015 (the date before the death of his mother) would be made over to the petitioner after proper identification and observation of all other formalities and subject to furnishing of an indemnity bond as per the proforma prescribed.

Mr. Mitra, learned counsel appearing on behalf of the petitioner submits that after the filing of the report, a copy of the proforma for furnishing of the indemnity bond was handed over to the petitioner. The petitioner is willing to comply with all the necessary formalities for the purpose of disbursement of the retiral benefits of his father, in his favour.

Ms. Sengupta, learned counsel appears on behalf of the PWD and submits that in the event necessary formalities are complied with, the authorities will take steps to disburse the retiral dues, in accordance with law.

Having considered the submissions of the parties, this Court directs the authorities concerned/PWD to disburse any amount payable on account of salary and retiral dues from May 5, 2009 (the date subsequent to the date of missing of his father) to September 17, 2015 (the date of death of his mother). Such disbursement will be made upon completion

of all the formalities as per the extant Rules/Policies of the PWD and by no later than April 15, 2023.

With the directions aforesaid, **W.P.A. 28340 of 2022** is **disposed of**.

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

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

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)