

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

**60.
07.07.2023
Bd.**

WPA 1328 of 2023

**Harka Bahadur Thapa
Vs.
The State of West Bengal & Ors.**

Mr. Debojit Kundu

...for the petitioner

**Mr. Subir Kumar Saha
Mr. Momenur Rahaman**

...for the State

At the time of call on query learned advocate representing the petitioner submits that the petitioner has been permitted to switch over from Contributory Provident Fund Scheme to Pension-cum-Gratuity Scheme in terms of the Government notification dated 13th June, 2014.

In view of such submission it appears that petitioner has been granted benefit in terms of the Government notification dated 13th June, 2014 which has been issued in terms of the judgment of the Special Bench dated 16th July, 2013 passed on intra Court appeal being APO 94 of 2009 (State of West Bengal & Ors. Vs. Abhijit Baidya).

In view of aforesaid situation the prayer of the petitioner for payment of interest on delayed payment of gratuity in consideration of Pension

Payment Order dated 21st January, 2015 is not countenanced.

Furthermore, it is required to be recorded herein that the petitioner has suppressed the aforesaid facts in the writ petition.

Accordingly, the writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)