

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

3 05.9.2023
Sc Ct. no. 2

WPA 1927 OF 2023

Sanjoy Oraon

Vs.

The State of West Bengal & Ors.

Mr. Bhaskar Roy Mahashaya
Mr. Sannidhya Dutta.

....For the Petitioner

Mr. Hirak Barman
Mr. Pretom Das.

....For the State

Pursuant to the direction made on **August 29, 2023** a report in the form of an affidavit affirmed by the respondent no.3 on September 1, 2023 is filed today in court and the same is taken on record. Copy has already been served upon the petitioner.

The petitioner claims the employment benefit on account of his father, **Budhua Oraon @ Majhi** since deceased, who was working as **road mazdoor**. The father of the petitioner died on **May 14, 2001**. The **Death Certificate** is available at **page 16, Annexure-P1 at page 16** to the writ petition. **Two sons** were there, viz., the petitioner herein and one **Panchu Majhi** of the said deceased employee as would be evident from paragraph 9 of

the affidavit report filed by the respondent no.3.
The said ***Panchu Majhi died on June 24, 1993.***

It is also admitted that, the petitioner herein has submitted the necessary ***Death Certificate of Panchu Majhi in the month of July, 2008. Annexure-P3 at page 18 to the writ petition*** is the application filed by the petitioner before the jurisdictional Civil Court for obtaining Succession Certificate. ***Annexure-P4 at page 22 to the writ petition*** is the relevant ***Succession Certificate issued on March 16, 2005.*** The Succession Certificate ***includes*** the ***Death benefits*** of the deceased father also.

Paragraphs 3 to 6 of the said affidavit report filed by the respondent no.3 discloses the entitlement of the petitioner on account of his deceased father's employment benefit.

Paragraph 6 specifically states that, the petitioner is eligible to a total sum of ***Rs.2,63,133/- (Rupees two lakh sixty-three thousand one hundred thirty-three only).***

In view of the above, the respondent no.3 is directed to carry out all the necessary and consequential formalities and issue the necessary instruction for releasing the said sum of ***Rs.2,63,133/- along with interest @ 8% per***

annum since April 1, 2005 immediately after the Succession Certificate was issued by the petitioner **till today** upon the respondent no.3 **obtaining an affidavit from the petitioner** along with all the necessary documents to prove his identity and **upon being satisfied** therewith shall forward the necessary instruction to the office of the **Accountant General, State of West Bengal for releasing such payment.**

Such exercise must be and should be carried out by the respondent no.3 **positively** within a period of **four weeks** from the date of receiving such an affidavit from the petitioner.

The office of the **Accountant General, State of West Bengal** upon carrying out all the necessary formalities **must and should release** the payment accordingly in favour of the petitioner **positively** within a period of **three weeks** from the date of receiving the calculation and instruction from the respondent no.3, as directed above.

It is made clear that, **interest**, as directed above, shall run **till today only** and not thereafter.

With the above direction, this writ petition, **WPA 1927 of 2023** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)