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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WIT JURISDICTION
ORIGINAL SIDE

WPO 2534 OF 2022
IN THE MATTER OF:
MITA MITRA
VS
FOOD CORPORATION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE LAPITA BANERJI
Date : 9th June, 2023.

Appearance:-
Mr. Soumya Majumder, Adv.
Mr. K. Ray, Adv.
Ms. Sanjukta Datta, Adv.
For petitioner
Mr. Devajyoti Barman, Adv.
Ms. Sanjukta Basu Mallick, Adv.
For FCI.

THE COURT:- The petitioner being an employee of Food Corporation of India (FCI) retired from services with effect from March 8, 2019. She has prayed for payment of her leave encashment benefits for a period of 300 days in the present writ petition.

It is the stand of the FCI that due to an order passed by a Co-ordinate Bench of the High Court of Delhi at New Delhi passed in W.P.(C) 3365 of 2012, the FCI could not disburse the leave encashment benefits to the petitioner. Furthermore, it was submitted that since there was a discrepancy in the IDA pattern of calculation vis à vis the CDA pattern of calculation, the amount was not disbursed.

After several opportunities were granted to FCI and different reports filed by it, finally from the Report-on-Affidavit affirmed on May 10, 2023 it appears that under the IDA pattern of calculation the petitioner was entitled to Rs. 5,49,301/- on account of leave salary whereas she was entitled to Rs. 5,43,312/- under the CDA pattern of calculation for admissible 228 days.

This Court finds that the difference is a negligible one in the two distinct ways/methods of calculation of the leave encashment benefits. Therefore, to the mind of this Court there was no reason at all for non-disbursal of leave encashment benefits that was calculated by way of CDA pattern of calculation. Unnecessarily, an employee who retired on March 8, 2019 was made to suffer by citing a technicality and harassed into litigation.

In the circumstances hereinabove, this Court directs payment of a sum of Rs. 5,43,312/- to the petitioner along with interest calculated at the rate of 8% per annum from March 9, 2019 (being the date subsequent to the date of retirement) till the date of actual payment of the dues to the petitioner.

Such payment will be made to the petitioner within four weeks from date. The petitioner will comply with the formalities, if any, within a period of one week from date.

With the directions aforesaid, **WPO 2534 of 2022** is **disposed of**.

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

(LAPITA BANERJI, J.)

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