

09. 04. 2024

BP
Sl. 6
Court No. 23

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 884 of 2024

Ganes Chandra Guha
Vs.
The State of West Bengal & Ors.

Mr. Madhusudan Dutta
..for the petitioner

Mr. Soumya Majumdar
Mr. Bhaskar Mukherjee
..for the respondent no.2

Mr. Rajat Dutta
..for the respondent no.5

A computation has been made over to the Court by the learned advocate for the respondent no.2, a copy of which has already been made over to the learned advocate for the petitioner.

Facts reveal that the respondent no.2 has filed a writ petition being W.P. 18829(W) of 2012 challenging the order of the First Labour Court, Kolkata dated 29th June, 2012 by which it had held that the writ petitioner is entitled to Rs. 13,53,821/- from the opposite party i.e. the respondent no.2 as his legal dues and further directed the respondent no.2 to make such payment within three months from date. Pursuant to a direction

given on 27th September, 2012 in that writ petition the respondent no.2 being the petitioner in the said writ petition was directed to deposit a sum of Rs. 13,53,821/- with the Registrar General of this Court. The respondent no.2 has deposited the said sum. The writ petition filed by the respondent no.2 being W.P. No. 18829(W) of 2012 was dismissed for default on 9th December, 2019 and a restoration application has been immediately made. The restoration application is pending adjudication.

The writ petitioner says that since the writ petition filed by the respondent no.2 has been dismissed and as is to be restored, the petitioner should be permitted to receive the said sum of Rs. 13,53,821/- along with accrued interest and further interest.

Learned advocate representing the Registrar General, on instruction submits that at present the sum of Rs. 13,53,821/- has become a sum of Rs. 29,14,510/-.

After hearing the parties, I find that since the restoration of the writ petition filed by the respondent no.2 is still pending an admitted sum from out of the said sum of Rs. 13,53,821/- along with accrued interest thereto be paid to the writ petitioner. As per the computation a sum of Rs. 5,20,000/- comprising of

principal and interest is due and payable to the petitioner by the respondent no.2. The Registrar General of this Court is directed to pay a sum of Rs. 5,20,000/- from out of Rs. 13,53,821/-, if necessary by the premature encashment of the fixed deposit. The payment has to be made on or before 10th May, 2024. The learned Registrar General after making payment of the said sum of Rs. 5,20,000/- shall reinvest the balance amount in an interest bearing fixed deposit with a nationalized bank. The amount directed to be paid by the learned Registrar General will be paid and received without prejudice to the rights and contention of the respondent no.2 and the petitioner herein who are respectively the petitioner and the respondent no.3 in W.P. 18829(W) of 2012.

Nothing further remains to be adjudicated. The writ petition is accordingly disposed of.

Since I have not called for affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)

