

26.06.2024
Sn/sl.14
Ct. no.23

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)**

WPA 4606 of 2024

**Subhas Chandra Mahato
Vs.
Union of India & Ors.**

Mr. P.K. Bhattacharyya
..for the petitioner
Mr. Swapan Kumar Nandi
Ms. Joyita Dhar Chakraborty
..for the U.O.I.

Affidavit of service filed by the petitioner is taken on record.

Although the petitioner has approached this Court at a belated stage with regard to his retiral benefits inasmuch as the writ petition is filed on 20th February, 2024 and the petitioner has retired from the services on July, 2019, yet, considering the issue to be of retiral benefits which can be construed as a continuing cause, the writ petition is taken up for hearing on merits.

The petitioner alleges that though he is entitled to 5(five) more increments but the said increments have not been given the same and such increments have also not been taken into consideration by the respondent authorities while computing his retiral benefits.

On behalf of the Union of India, it is submitted that whatever retiral benefits, the petitioner was entitled to

has been duly paid and is being paid. The writ petition is, therefore, is not maintainable as no sum is due and payable to the petitioner on account of his retiral benefits. The petitioner cannot be granted any mandatory orders directing the respondents to give him the benefits of the increments which the petitioner says to have been deprived of. However, the grievance of the petitioner can be directed to be considered as the petitioner as an employee is entitled to know the exact amount payable to him as his retiral benefits.

In the facts and circumstances of this case, the respondent no.3 is directed to consider the petitioner's grievance treating the writ petition as his representation and dispose of the same by a reasoned order within a period of three months from date after giving the petitioner an opportunity of hearing.

It is made clear that only the issue of 5(five) increments which the petitioner claims have not been given to him should be considered by the respondent no.3. Immediately upon passing of the reasoned order the same shall be communicated to the petitioner. It is also clarified that the respondent no.3 shall decide the issue independently without being influenced in any manner by any observation made in this order as I have not gone into the merits of the matter.

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

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

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

(Arindam Mukherjee, J.)