

DL-16

04.07.2024
Court No.26
[Bench ID-266231]
(AD)

MAT 618 of 2024
With
IA No.: CAN 1 of 2024
With
IA No.: CAN 2 of 2024

Dulal Chandra Biswas
Vs.
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
... .. For the Appellant

Mr. Anjan Roy Mukherjee
Ms. Rajyashree Mukherjee
... .. For the State-respondents

In Re.: **IA No.: CAN 1 of 2024**

1. IA No.: CAN 1 of 2024 is an application seeking condonation of delay of 77 days in making and filing the appeal.
2. State is represented.
3. For the ends of justice, the causes shown in the application for condonation of delay are accepted as sufficient and the delay of 77 days in making and filing the appeal is condoned.
4. **IA No.: CAN 1 of 2024** is allowed.

In Re.: **MAT 618 of 2024**
With
IA No.: CAN 2 of 2024

5. IA No.: CAN 2 of 2024 is an application seeking stay of the impugned order.
6. All the respondents are represented.

7. By the consent of the appearing parties, the appeal is taken up for final hearing.
8. Appellant is aggrieved by an order directing refund of the overdrawing amount. It is contended on behalf of the appellant that, the same learned Single Judge in two different matters allowed interest on the overdrawing amount. Same facilities should be extended to the appellant herein.
9. By the impugned order, learned Single Judge directed refund of the overdrawing amount without any interest.
10. We find from the records that, learned Single Judge, in two different matters directed grant of interest @ 8% per annum and 6% per annum. In one of the matters, employee of the same organization as that of the appellant is involved. In that matter, interest @ 6% per annum was directed to be paid from the date succeeding the date of retirement till the date of actual payment within six weeks from the date of the order.
11. In such circumstances, in our view, interest of justice would be sub-served by modifying the impugned order of the learned Single Judge.
12. We, therefore, in modification of the order of the learned Single Judge, direct the authorities to pay the overdrawing amount along with interest @ 6% per annum from the date succeeding the date of

retirement of the appellant till the date of actual payment within six weeks from the date of this order.

13. In such circumstances, **MAT 618 of 2024** along with **IA No.: CAN 2 of 2024** are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Partha Sarathi Sen, J.)