

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

13. 09. 2024

BP
SL. 52
Court No. 14

WPA 15885 of 2024

**Abdul Abed
Vs.
The State of West Bengal & Ors.**

Mr. M.N. Roy
Mr. B. Nandy
..for the petitioner

Mr. Nara Narayan Ganguly
Mr. Suresh Chandra Sirvastava
..for the State

Affidavit of service filed in Court is taken on record.

The petitioner retired as a primary school teacher on 31st December, 2023. He is yet to receive his terminal dues.

It appears that a communication seeking clarification of certain issues was forwarded by the District Inspector of Schools (Primary Education), Dakshin Dinajpur to the Commissioner of School Education Department in May, 2024. The same is yet to be replied by the Commissioner of School Education.

According to the provisions of law an employee is entitled to receive the terminal benefits immediately upon retirement. In the instant case though the petitioner

retired from service on 31st December, 2023, but till date he has not received his dues. The stand of the D.I. in seeking clarification from the School Education Department long after the petitioner retired from service is absolutely unacceptable. All clarifications/objections should have been made prior to retirement of the employee. The authority cannot delay in disbursing the terminal dues on the garb of seeking clarification from one department or the other.

The Court highly deprecates the stand of the respondent authorities in withholding the terminal dues of the petitioner.

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (Primary Education), Dakshin Dinajpur to take immediate steps for releasing the terminal dues of the petitioner at the earliest but positively within a period of ninety days from the date of communication of this order along with simple interest @ 7% per annum to be paid on and from the due date till the date of actual payment.

It is made clear that in the event the dues are not released within the time limit specified hereinabove, then the petitioner would be entitled to receive additional interest @ 2% i.e. $7\% + 2\% = 9\%$ per annum on and from the due date till the date of actual payment.

The instruction forwarded by District Inspector of Schools (Primary Education), Dakshin Dinajpur is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)

