

07.08.2024
M.L.188
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 21350 of 2023

Swapan Kumar Adak
Vs.
The Durgapur Projects Limited & Ors.

Mr. Siddhartha Sarkar,
Mr. Hirak Roy

....for the petitioner.

Mr. Sujit Sankar Koley

....for DPL.

The petitioner was an employee of the Durgapur Projects Limited (in short, DPL).

It is submitted by DPL that a vigilance case was initiated against the petitioner followed by a criminal case, as a consequence whereof, the retiral benefits of the petitioner were withheld.

The petitioner has obtained an order for release of the gratuity amount from the Controlling Authority under the Payment of Gratuity Act, 1972. The initiation of the vigilance case and the outfall of the same is nowhere reflected in the writ petition. Although, it is submitted by the petitioner that the petitioner has been acquitted from the vigilance case and, therefor, entitled to have the leave encashment released in his favour, but the fact remains that a

criminal case is pending. The writ petitioner has also not stated about the criminal case in the writ petition.

The two proceedings are material facts which have been suppressed by the petitioner in this writ petition. The pendency of the criminal case is likely to change the opinion of the Court regarding release of the leave encashment even if the petitioner had been acquitted from the vigilance case

The writ petition, therfor, is dismissed with costs assessed at Rs.5,000/- to be paid to the High Court Legal Services Committee.

The payment of costs is a pre-condition for initiating any other proceedings before this Court on the self-same cause.

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

(Arindam Mukherjee, J.)