

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 24862 of 2023

Smt. Sanchita Chatterjee
Vs.
Union of India & Ors.

Mr. Subhendu Bandyopadhyay,
Mr. Arindam Mitra
...for the petitioner

Mr. Shyamal Mukherjee,
Mr. Srikumar Chakraborty
...for the Union of India

Mr. Subhasish Pachhal
...SAIL

1. At the outset, an objection as to determination of this Court is raised, since the matter allegedly pertains to service. However, since the innocuous prayer of the petitioner is refund of the amount deposited by the petitioner by way of Provident Fund and Gratuity on maturity under the Employees' Family Benefit Scheme of the SAIL (Steel Authority of India Limited), the same does not fall strictly within the domain of service matters and is treated to be a residuary matter; hence, entertained by this Court.

2. The petitioner, as indicted above, relies on the acknowledgement of the SAIL-Authorities that monthly payments were being made by the

petitioner and the petitioner is eligible to the maturity amounts under the aforesaid Scheme, subject to furnishing of certificate.

3. The petitioner claims that although she has produced the certificate and made a representation, the authorities have not yet disbursed the amount due to the petitioner on maturity.

4. Learned counsel appearing for the respondent-authorities takes a plea that there is no stamp of receipt on Annexure P-5 to the writ petition to indicate that actually the representation or application was made to the respondents for disbursement of the amount.

5. However, such technical plea can be overlooked by treating the writ petition itself as a representation/application for disbursement of the amount to the petitioner, without going into the nitty-gritties as to whether she had actually made an application or representation.

6. Accordingly, W.P.A. No. 24862 of 2023 is disposed of by directing the respondent no. 6 to disburse the amount due to the petitioner on maturity in terms of the Employees' Family Benefit Scheme of the SAIL, in terms of the claim of the petitioner, at the earliest, positively within four weeks from date.

7. In the event such amount is not disbursed in favour for the petitioner within the stipulated period of four weeks from date, the respondents shall pay interest on the said amount at the rate of eight percent per annum till the date of repayment to the petitioner.

8. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)