

WPA 25589 OF 2015

Dipak Kumar Basu

Vs.

State of West Bengal & Ors.

Mr. Saikat Banerjee
Ms. Juin Dutta Chakraborty
Mr. Bidan Modak
Ms. Madhumita Paul.

....For the Petitioner

This is a hearing matter.

The office report dated July 17, 2019 shows that, despite there being a direction on August 27, 2018 no affidavit-in-opposition has been filed by the respondents.

Today also none appears for the respondents.

Mr. Saikat Banerjee, learned counsel for the petitioner drawing attention of this Court to **Annexure-P1 at page 22** to the writ petition submits that, the **Pension Payment Order** categorically admits that, net **Death cum Retiral Gratuity** in terms of **ROPA, 2009** payable to the petitioner is to the tune of **Rs.4,05,130/-**. He then drawing attention of this Court to the bank statement of the petitioner at **page 24** to the writ petition submits that, on **August 25, 2015** a total amount of **Rs.1,55,130/-** was credited to the bank account of the petitioner and the balance has not yet been paid without showing any reason whatsoever.

Considering the cause involved in this writ petition and that none appears for the respondents today and no affidavit-in-opposition has been filed, this Court is of the opinion that, no fruitful purpose shall be served by keeping this writ petition pending any further.

In view of the above, to subserve justice, the petitioner shall furnish a copy of the complete set of the writ petition along with a copy of today's order upon the respondent no.4.

Upon receiving the same, the respondent no.4 is directed to check up its record and if it is found that, after crediting the said sum of **Rs.1,55,130/-**, already paid to the petitioner, a further sum is payable out of the said total sum of **Rs.4,05,130/-**, then the same shall immediately be paid and released to the petitioner by crediting his bank account positively within a period of **three weeks** from the date of receiving the copy of the writ petition and today's order, as directed above.

If the amount is found to be payable then the respondent no.4 shall also pay interest **@6% per annum** in favour of the petitioner on the total balance outstanding as stated above since **August 26, 2015** till the date of actual payment to the petitioner.

It is made clear that, the **time-frame** specified above is **mandatory**.

With the above observations and directions this writ petition, **WPA 25589 of 2015** stands allowed without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)