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2024

Ct. No. 08

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FMA 306 of 2024
IA No. CAN 2 of 2023

Pradyumna Kumar Chandra
Vs.
The State of West Bengal and others.

Mr. Tapash Kumar Bhattacharya,
Mr. Aviroop Bhattacharya.
... for the appellant.

Mr. Rudrajit Sarkar.
... for the State.

The instant appeal arises from an order dated 26th September 2023 passed by the Single Bench dismissing the writ petition whereby and whereunder the claim was made for interest to be paid on delayed payment of the pension or the retiral benefits. The order does not contain any reasons/findings in relation to the claim so made in the writ petition.

The Single Bench proceeded to dismiss the said application solely on the ground that the moment the petitioner has received pension, no interest is required to be paid thereupon.

The appellant submits that the consistent view of this Court in this regard is that the retired employees are entitled to interest by way of compensation on the delayed payment of the retiral benefits, which has not been taken care of by the Single Bench.

We do not intend to go deep into the aforesaid aspect as we find that the impugned order lacks reasons and it is a trite law that the Court while adjudicating the rights of the parties must record the reasons in support of the ultimate conclusion. The reason is heart and soul of an order without which it cannot survive. Since the merit of the case was not considered, we do not feel that the same should be decided in the instant appeal, as either of the parties may lose the forum.

In such view of the matter, the order impugned is set aside. The writ petition is restored to its original file and number.

We request the Single Bench to decide the writ petition on merit and on priority basis if convenient to the Hon'ble Judge.

With these observations, the appeal and the connected application being CAN 2 of 2023 are disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)