

22.04.2024
Item No.16
Ct. No.238
S.A.

WPA 27803 of 2023

Nitya Ranjan Halder
-vs-
The State of West Bengal & Ors.

Mr. Dipak Kumar Chakrabarti
...for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha
...for the State

It is the grievance of the petitioner that a Coordinate Bench of this court by an order dated October 4, 2010 passed in WP 15446(W) of 2009 directed the State to release the retiral dues of the petitioner together with interest *“at the highest prevailing rate of interest payable on fixed deposit by a Nationalized Bank from the date of principal amount is payable till the date of actual payment”*.

Mr. Chakrabarti, learned advocate appearing on behalf of the petitioner submits that the petitioner has not been paid interest in terms of the aforesaid order dated October 4, 2010.

It appears that after receiving the retiral dues in terms of the aforesaid order dated October 4, 2010, the petitioner again had approached this court challenging the action on the State in deducting a sum of Rs.2,94,466/- from the retirement dues as

overdrawn amount by filing the second writ petition (WP 8619(W) of 2014).

The prayers made in the second writ petition are quoted below:

- “(a) *A writ of or in the nature of Mandamus, commanding and directing the respondents, their agents and subordinates to refund the amount of Rs.2,94,446/- with interest from the date of retirement till the date when such payment will be made;*
- (b) *A writ or in the nature of Mandamus commanding the respondents each one of them, their agent or subordinates to refix the amount of pension of the petitioner on the basis of fresh calculation and to make payment of the arrear balance amount with interest;*
- (c) *A writ of or in the nature of Mandamus, directing the respondents authority to issue the fresh pension payment order by setting aside and/or quashing the wrong pension payment order which was issued on 1.3.2011.”*

Another Coordinate Bench by an order dated February 22, 2016 allowed the said writ petition.

Against the said order, an appeal (FMA 3513 of 2016) was preferred by the State which was dismissed on May 18, 2016 by a Division Bench of this Court.

At this juncture, I am not inclined to entertain the prayer of the petitioner for grant of interest in terms of the order dated October 4, 2010. After the said order, about 14 years have passed. The petitioner did not file any contempt application alleging non-payment of interest. He filed his second writ petition in the year 2014 without any prayer for interest on his retiral dues in terms of the order dated October 4, 2010.

In that view of the matter, I am not inclined to entertain this writ petition to execute the order dated October 4, 2010.

Accordingly, **WPA 27803 of 2023** is dismissed.

(Kausik Chanda, J.)