

21.11.2024
Sl. No.1
Ct. No.15
S.A.

WPA 28989 of 2022

**The Rifle Factory Cooperative Society Limited,
Ishapore**

-vs-

The Union of India & Ors.

Mr. Pabitra Charan Bhattacharjee

Mr. Sovan Nayak

...for the petitioner

Mr. Sauvik Nandy

...for respondent nos.1 and 2

Mr. Sk. Mustafi Rahaman

...for respondent no.3

Mr. Pradip Kumar Roy

Mr. Prabir Kumar Roy

Mr. Joydip Roy

...for the State

Though this matter has been listed at the instance of Respondent No. 3, an adjournment has been sought on behalf of Respondent No. 3. Such prayer is declined.

Respondent No. 3 has failed to file the affidavit-in-opposition as directed by this Court.

Respondent No. 3 was employed by the Ishapore Rifle Factory, Respondent No. 2. From time to time, he availed himself of various loans from the Ishapore Rifle Factory Cooperative Society Limited, the petitioner. Respondent No. 3 authorised Respondent No. 2 to deduct the loan repayments from his salary. It is undisputed that, after due adjustments of repayments made by Respondent No. 3, a sum of Rs. 5,97,753 (Rupees five lakh ninety-seven thousand

seven hundred and fifty-three) remains outstanding and payable by Respondent No. 3 to the petitioner.

It has been submitted by Respondent No. 2 that Respondent No. 3 has taken voluntary retirement, and all of his retiral dues have been released, except for the aforementioned sum of Rs. 5,97,753 (Rupees five lakh ninety-seven thousand seven hundred and fifty-three), in accordance with the order passed by the Division Bench of this Court on March 20, 2023.

In light of the foregoing, I find no justification to keep this writ petition pending. Respondent No. 2 is directed to transmit the sum of Rs. 5,97,753 (Rupees five lakh ninety-seven thousand seven hundred and fifty-three) to the petitioner within two weeks from the date of this order.

Mr. Sauvik Nandy, learned counsel, submits that pursuant to Rule 71 read with Rule 73 of the Central Civil Services (Pension) Rules, Respondent No. 2 is permitted to deduct salary only towards the government dues. This submission is entirely misconceived, as Respondent No.2 has already deducted Respondent No. 3's salary for repayment to the loan amount obtained from the petitioner.

Accordingly, this writ petition is disposed of with a direction to Respondent No. 2 to immediately release the sum of Rs. 5,97,753 (Rupees five lakh ninety-seven thousand seven hundred and fifty-three)

in favor of the petitioner within two weeks from the date of this order.

It is further clarified that, should any other dues be payable to Respondent No. 3, after such release, Respondent No. 2 shall ensure payment of the same without any further delay, positively within one month from the date hereof.

Accordingly, **WPA 28989 of 2022** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)