

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

04 08.05.2025
Pa Ct. no.2

WPA 644 OF 2025

Dipti Mazumder & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Dilip Kumar Chatterjee, Adv.

Mr. Durga Bhusan Mukherjee, Adv.

....For the Petitioners

Mr. Pantu Deb Roy, Adv.

Mr. Subrata Guha Biswas, Adv.

....For the State

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Dilip Kumar Chatterjee and Mr. Durga Bhusan Mukherjee, learned Advocates appear for the petitioner.

Mr. Pantu Deb Roy, and Mr. Subrata Guha Biswas learned Counsel appear for the State.

None appears for the respondent Nos.2 to 6.

The petitioners claim monetary benefits on account of Leave Encashment for 300 days instead of 180 days. The petitioners submitted representations dated **30.09.2024**, **Annexure – P7** at **page 66** to the writ petition but the same have not yet been considered.

In view of the above, the respondent no.6 is directed upon issuing a prior hearing notice of at least seven days to the petitioners and after granting them an

opportunity of hearing shall consider the said representations, **Annexure – P7** at **page 66** to the writ petition by passing a reasoned order in accordance with law. The entire exercise shall be carried out and completed by the respondent no.6 positively within a period of eight weeks from the date of communication of this order. The reasoned order shall be communicated to the petitioners within a further period of one week from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claims of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records, documents, rules and provisions of law before the respondent no.6 but the same shall not travel beyond the scope of the said representation dated **30.09.2024**.

In the event the reasoned decisions goes in faovur of the petitioners, then the appropriate State authority including the appropriate authority of the Finance Department of the State shall take all necessary and consequential steps to give an immediate effect to the said reasoned order but positively within a period of **four weeks** from the date of communication of the order to such appropriate State authority.

The payment shall be released in favour of the petitioners positively within a period of **six weeks** from the date of the said reasoned orders to be passed by the

appropriate State authority and/or the appropriate authority of the Finance Department of the State.

It is made clear that, this order shall not create any right or equity in favour of the petitioner if the petitioners do not succeed to their claim before the respondent no.6 strictly in accordance with law.

It is also made clear that if the petitioners are found to be eligible to receive ***Leave Encashment Salary*** the necessary reasoned order shall also be passed even if it is not for 300 days but strictly in accordance with law and the consequential directions as directed above shall be carried out strictly as a mandatory directions of this Court. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

This order shall be effected subject to payment of the deficit court fees payable by the petitioners, who have not paid.

With the above observations and directions, this writ petition, ***WPA 644 of 2025*** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)