

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

08 01.05.2025
pa Ct. no.2

WPA 11885 OF 2024

**Binay Kumar Tewary
Vs.
The State of West Bengal & Ors.**

Mr. Gobindadas Mitra, Adv.
..... for the Petitioner

Mr. Niladri Bhattacharya, Adv.
Ms. Deblina Chatteraj, Adv.
..... for the Respondent nos. 2 to 5.

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

Mr. Gobindadas Mitra, learned advocate appears
for the petitioner.

Mr. Niladri Bhattacharya, learned advocate with
Ms. Deblina Chatteraj, learned advocate appears for
respondent nos. 2 to 5.

None appears on behalf of the State.

The petitioner claims payment of interest on
account of deferred payment of provident fund and
interest on account of deferred payment of gratuity. The
petitioner has submitted its representation dated
January 25, 2024, Annexure P-3 at page-16 to the writ
petition but the same has not yet been considered.

Ms. Deblina Chatteraj, learned counsel appearing
for respondent submits that the issue has already been

settled by the Division Bench in its judgment dated **May 14, 2024** delivered in **APOT 243 of 2022**.

In view of the above, the respondent no. 3 upon issuing a prior hearing notice of at least **seven days** to the petitioner shall dispose of the representation **January 25, 2024, Annexure P-3 at page-16** to the writ petition and after granting him opportunity of hearing by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 3 positively within a period of four weeks from the date of communication of this order and the reasoned order shall be communicated to the petitioner within **a 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 writ petition and petitioner shall entitle to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no.3.

The Division Bench judgment as referred to above shall be considered by the respondent no. 3.

If the reason order goes in favour of the petitioner then the necessary payment shall be made to the petitioner positively within a period of **three weeks** from the date of the said reasoned order to be passed.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 11885 of 2024** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)