

28.01.2025

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

WPA 14969 of 2024

Tarak Chandra Das

-Vs-

Food Corporation of India & Ors.

Mr. Soumya Majumder,
Ms. Sanjukta Dutta,
Mr. Kisor Ray

... for the petitioner

Mr. Devajyoti Barman,
Ms. Sanjukta Basu Mallick

... for the respondents

The report in the form of an affidavit filed on behalf of the respondents is taken on record.

In terms of the earlier direction, the Food Corporation of India (in short, 'FCI') has provided the amount payable under Central Dearness Allowance (in short, 'CDA') and Industrial Dearness Allowance (in short, 'IDA'). It appears that under IDA module, a sum of Rs. 5,61,313/- while under CDA module, a sum of Rs. 5,45,361/- is payable.

In the aforesaid facts and circumstances, the lower amount, i.e. payable under CDA module is directed to be paid to the petitioner. FCI shall pay a sum of Rs, 5,45,361/- to the petitioner within 28th February, 2025 along with interest @ 6% per annum from the date immediately succeeding the date of

retirement of the petitioner, i.e. 1st March, 2020 since the petitioner retired on 29th February, 2020 until actual payment. It is made clear that in the event, the aforesaid amount is not paid within 28th February, 2025, the principal sum of Rs. 5,45,361/- will carry interest @ 9% per annum for the said period. The petitioner shall receive this amount without prejudice to his rights and contentions that the petitioner is governed under CDA module.

Since the issue as to which module has to be followed in respect of the employees of FCI is pending before the Delhi High Court, it is made clear that in the event, it is found that the petitioner is governed by IDA module, the petitioner shall be paid the additional amount with interest from 1st March, 2020 till the actual payment of such sum.

Nothing further remains to be adjudicated in this writ petition for the present. The same is accordingly disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court without insisting upon production of certified copy thereof.

(Arindam Mukherjee, J.)