

Form J(2)
Sl.No.19
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In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Aniruddha Roy

WPA 14202 OF 2025

Shyamal Kumar Bandopadhyay

Vs.

Union of India & Ors.

For the petitioner : Mr. Tilak Mitra, Adv.
Mr. Prolay Bhattacharya, Adv.
Ms. Tanusree Ghosh, Adv.
Mr. Koushik Roy, Adv.

For the Respondent
No. 1 : Ms. Sucharita Biswas, Adv.
For the Respondents/
State : Mr. Sougata Mitra, Adv.
Ms. Soma Chakraborty, Adv.

For the Respondent/
Nos. 6 to 11/ECL : Ms. Amrita Pandey, Adv.

Heard on : September 22, 2025

Judgment on : September 22, 2025

Aniruddha Roy, J. :

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

Facts:

1. The facts are admitted to the extent that the petitioner is a retired employee of Eastern Coalfields Limited (ECL). He retired but till date has not been paid his Provident Fund, gratuity, leave encashment etc. as claimed in **prayers 'a' 'c' and 'd'** to the writ petition along with interest.
2. The law is well settled that if an employee has worked for its organization, after retirement such an employee must receive all its retiral benefits payable to him/her in accordance with law. The law also presumes that the payment shall be made immediately on the next day of retirement.
3. The claim made by the petitioner in terms of **prayers 'a' 'c' and 'd'** to the writ petition if is found to be payable in accordance with law the same is the property of the petitioner and the petitioner must receive it forthwith.
4. In view of the above, the petitioner shall submit his representation along with a copy of the writ petition and today's order on the **respondent no.6** forthwith but positively within a period of **two weeks** from date. Such representation shall not travel beyond the claim made in the writ petition.
5. The respondent no.6 after receiving the said representation upon issuing a prior hearing notice of at least **seven days** to the petitioner and also upon his learned advocate-on-record through whom the instant writ petition has been filed and after granting him an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.
6. The entire exercise shall be carried out and completed by the respondent no.6 positively within a period of **six weeks** from the date of expiry of the said time for submission of representation. The reasoned order shall then be communicated to the petitioner and the learned advocate-on-record for the petitioner positively within **one week** from the date of the said reasoned order to be passed.

7. The petitioner shall be entitled to participate in the hearing through his duly authorized representative.
8. In the event, the reasoned order goes in favour of the petitioner, the ECL authority shall calculate the entire dues payable to the petitioner along with interest **at the rate of 6 per cent per annum** since the immediate next date of retirement of the petitioner until the entire amount is tendered to the petitioner.
9. The entire payment shall be made, if found to be payable in accordance with law, by crediting the Bank account of the petitioner positively within a period of **six weeks** from the date of the said reasoned order to be passed.
10. No unnecessary adjournment shall be granted to anybody in course of the hearing.
11. While considering the issue, the respondent no.6 shall also take into account the order dated **October 4, 2023** passed by the Hon'ble Division Bench in **FMA 1383 of 2015, annexure p-2 at page-30** to the writ petition.
12. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
13. With the above observations and directions, this writ petition, **WPA 14202 of 2025** stands **disposed of**, without any order as to costs.
14. The parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)