

Form No. J(2)
Daily List Item No. 07
Court No. 2
b.r.

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

**Present:-
The Hon'ble Justice Aniruddha Roy**

WPA 17463 of 2025

Nitya Narayan Bandopadhyay & Ors.
-vs-
The Union of India & Ors.

**For the petitioners : Mr. Goutam Dey
Ms. Ankita Ghosh**

**For the Respondent nos.3 to 8/
ECL : Mr. Bijoy Kumar (through virtual mode)
Mr. Jayanta Dasgupta**

Heard On : 28.08.2025

Judgement on : 28.08.2025

Aniruddha Roy,J. :

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

Facts:

1. This order shall be effected upon payment of the deficit Court Fees, if any, as there are four individual petitioners.

2. The facts are admitted to the extent that the petitioners are retired employees of Eastern Coalfields Limited (ECL). They retired from time to time but till date have not been paid their Provident Fund, gratuity, leave encashment etc. as claimed in **prayer 'a'** to the writ petition along with interest.
3. 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.
4. The claims made by the petitioners in terms of **prayer 'a'** to the writ petition if is found to be payable in accordance with law the same are the property of the petitioners and the petitioners must receive them forthwith.
5. The writ petition does not disclose the individual representations or any joint representations made by these four petitioners before the appropriate authority.
6. In view of the above, the petitioners shall submit their respective representations 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 representations shall not travel beyond the claim made in the writ petition.

7. The respondent no.6 after receiving the said representations upon issuing a prior hearing notice of at least **seven days** to the petitioners and also upon their learned advocate-on-record through whom the instant writ petition has been filed and after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.
8. 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 petitioners and the learned advocate-on-record for the petitioners positively within **one week** from the date of the said reasoned order to be passed.
9. The petitioners shall be entitled to participate in the hearing through their duly authorized representative.
10. In the event, the reasoned order goes in favour of the petitioners or any of them, the ECL authority shall calculate the entire dues payable to each of the petitioners along with interest **at the rate of 6 per cent per annum** since the immediate next date of retirement of each of the petitioners until the entire amount is tendered to each of the petitioners.
11. The entire payment shall be made, if found to be payable in accordance with law, by crediting the Bank account of each of the

petitioners positively within a period of **six weeks** from the date of the said reasoned order to be passed.

12. No unnecessary adjournment shall be granted to anybody in course of the hearing.
13. 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.
14. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
15. With the above observations and directions, this writ petition, **WPA 17463 of 2025** stands **disposed of**, without any order as to costs.
16. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)