

12.11.2025
(D/L-22)
Ct. No.4
(B.K.N.)

W.P.S.T. 169 of 2025

Malay Sinha Roy

Vs.

The State of West Bengal & Ors.

Mr. Gazi Faruque Hossain,
Mr. Himadri Kumar Mahato,
Mr. Rakib Hossain Khan,
Mr. Anirudha Maity

...for the Petitioner

Mr. Amal Kr. Sen, Ld. AAG,
Ms. Manali Ali

...for the State

1. Heard learned advocate for the writ petitioner and the Mr. Sen, learned AAG.
2. The petitioner was proceeded against by departmental proceeding based on a charge memo dated 04.06.2013. He attained the age of superannuation on 31.10.2014. About eight years thereafter he was exonerated in the proceedings by an order dated 15.02.2022. His retiral dues thereafter have been paid:
 - i. Earned Leave on 20.04.2023,
 - ii. Gratuity on 02.08.2023,
 - iii. Arrears Pay and Allowances on 12.06.2024.

As per averments made in the Original Application.

It was the case of the petitioner before the Tribunal that since the petitioner was exonerated in the proceedings he cannot be deprived of the interest which would have accrued on his above dues paid belatedly. Before the Tribunal the submission was advanced on his behalf that he will file a

representation which may be decided. The Tribunal has accepted such submission. Up to this stage there is no grievance.

3. The petitioner's grievance, however, arises from the fact that while allowing liberty to the petitioner to raise his claim by way of a representation the Tribunal has limited the rate of interest which may or may not be awarded to 6 per cent. He submits that he is entitled to more interest.
4. Since the matter has been remanded to the authorities on a prayer made by the petitioner before the Tribunal we do not consider it appropriate to interfere with the order of the Tribunal dated 03.04.2025 passed in O.A. No. 58 of 2025. We, however, make it clear that the issue of interest shall remain open to be agitated in accordance with law for any rate which the petitioner may be able to substantiate before the authorities, in accordance with law.
5. The writ petition is dismissed accordingly.
6. Urgent Photostat Certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)