

Court No. 2
07.5.2025
(Item No. 5)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 19409 of 2024

Dilip Roy
VS
The State of West Bengal & Ors.

Mr. Gobindadas Mitra
.... For the petitioner

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

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

None appears for the respondents despite service.

The petitioner has retired from the Fisheries department. Petitioner has received Gratuity and Provident Fund but rest of the superannuation benefit including pension has not been paid to the petitioner. Petitioner has submitted its representation dated **July 4, 2024, annexure P-16** at **page 63** to the writ petition but the same has not yet been considered.

In view of the above, the respondent no. 3 is directed upon issuing a prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing shall dispose of the said representation dated **July 4, 2024** by passing a reasoned order in accordance with law.

The petitioner shall be entitled to participate in the hearing by himself and also through his duly authorized representative.

The entire exercise shall be carried out and completed by the respondent no. 3 positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner within a further period of **one 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 claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents they wish to rely upon before the respondent no. 3.

In the event, the reasoned order goes in favour of the petitioner, the entire balance payments payable to the petitioner on account of superannuation benefit, if any, shall be positively paid to the petitioner within a period of **four weeks** from the date of the said reasoned order to be passed and the relevant pension shall immediately commence within **two weeks** from the date of the said reasoned order to be passed. The arrear pension since the immediate next date of retirement of the petitioner till the actual date of payment shall be calculated along with interest @

6% per annum and shall be paid, if the petitioner is found to be eligible to receive the same within the said **four weeks** from the date of the said reasoned order to be passed. In default the interest shall be paid @ **9% per annum** if the amount is not paid within the said period of **four weeks** from the dated of the reasoned order to be passed.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no. 3 strictly in accordance with law.

From the record if it is found that, there was a delayed payment made to the petitioner on account of Gratuity and Provident Fund then interest shall also be paid on the said sum @ **6% per annum** from the next date of retirement till the date of actual payment within the said period of four 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.

On the above terms and conditions, this writ petition, **WPA 19409 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)