

07.7.2025
ML.28

Court No.2
Sg

WPA 20755 of 2024

**Debasis Gupta
Vs.
The State of West Bengal & Ors.**

Mr. Bikash Shaw
Mr. Sk. S. Islam

....for the petitioner.
Mr. K.J. Yusuf
Ms. Rupsha Chakraborty

....for the State.

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

Mr. Bikash Shaw, learned advocate and Ms. Rupsha Chakraborty, learned advocate appears for the State.

The petitioner retired as an Assistant Labour Commissioner. The petitioner is praying for releasing all retiral benefits payable to him strictly in accordance with law, as claimed by him. The petitioner submitted its representation dated June 14, 2024 annexure p-12, page 79 of the writ petition but the same has not yet been considered.

In view of the above, the respondent no. 5 upon issuing prior hearing notice of at least seven days to the petitioner and after granting him an opportunity of hearing shall decide the representation dated June 14, 2024, annexure p-12

page 79 of the writ petition by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the petitioner or rival claims of the respondents. Parties shall be at liberty to urge their respective points before the respondent no.5 upon relying the records and documents they want to rely upon.

The entire exercise shall be carried out and completed by the respondent no.5 positively within the 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 two weeks from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner the appropriate authority shall give an immediate effect thereto including making of payment to the petitioner in accordance with law but positively within a period of three weeks from the date of the said 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.5 strictly in accordance with law.

It is further made clear that whatever benefits petitioner shall be entitled in law the same

shall have to be released in favour of the petitioner within the time frame as directed above.

Since affidavits are not called for the allegation made in this writ petition shall deem not to have been admitted by the respondents.

With the above observation and direction this writ petition **WPA 20755 of 2024** stands disposed of without any order as to costs.

(**Aniruddha Roy, J.**)