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14.08.2025
Court No. 39
D.Hira

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 22707 of 2023

**Samar Mukherjee
Vs.
The State of West Bengal & Ors.**

Mr. Samar Mukherjee ... petitioner-in-person.

Mr. Amitrabrata Roy, Id. G.P.,
Mr. Sudipta Panda,
Ms. Ghazala Firdaus
... for the State

Although, not a party the Nadia District Central Cooperative Bank Ltd. (in short, as the “said Bank”) was directed to be served as this Court felt its presence will assist in more effective disposal of the matter. The said bank remains unrepresented despite service.

The writ petition is taken up in absence of the said bank, to avoid further delay.

The writ petition is disposed of with the following directions:-

- i. The total loan amount taken by the petitioner from the said Nadia District Central Cooperative Bank Ltd. (said Bank) though the Kalyani Estate Manager’s Employees’ Cooperative Society Ltd. (respondent no. 4) now due and payable is Rs.30,23,809/-.
- ii. The writ petitioner has paid a sum of Rs.3,75,000/- out of the same to the Kalyani Estate Manager’s Employees’

Cooperative Credit Society Limited
(respondent no. 4) for being paid to the said bank.

- iii. After adjusting the said sum of Rs.3,75,000/- from out of Rs.30,23,809/-, a sum of Rs.26,48,809/- remains due and payable.
- iv. The petitioner shall pay Rs.1,34,582/- from his "Thrift Fund" and Rs.32,500/- from surrender of shares, aggregating to Rs.1,67,082.
- v. After adjusting the said sum of Rs.1,67,082/- from out of Rs.26,48,800/-, the balance will be Rs.24,81,727/-. The petitioner shall pay a sum of Rs.9,67,548/-, as commutation value, a sum of Rs.5,31,360/- being the arrears of pension for thirty-six months after commutation, that is, from 01.08.2022 to 31.07.2025 and a sum of Rs.5,82,,774/- receivable by the petitioner on retiring gratuity aggregating to Rs.20,81,682/- to be adjusted against the said sum of Rs.24,81,727/-.
- vi. After deducting of the said sum aggregating to Rs.20,81,682/- (9,67,548 + 5,31,360 + 5,82,774) from the said sum of Rs.24,81,727/- a sum of Rs.4,00,045/- shall remain outstanding.
- vii. The petitioner shall pay a sum of Rs.4000/- per month out of his monthly pension of Rs.14,760/- receivable after commutation

for a period of eight years and four months,
stating from August 2025, for clearing the
balance of Rs.4,00,045/-.

The petitioner who is personally present in Court today undertakes to commute one-third of his pension amount for clearing his loan from the amount receivable there from as aforesaid. The authorities including the Estate Manager Kalyani (respondent no. 2) and the Principal Accountant General (A & E), West Bengal (respondent no. 5), the Senior Accounts Officer/PC-II (respondent no. 6), the Treasury Officer, Kalyani Treasury (respondent no. 7) and the Deputy Registrar of Co-operative Societies, Co-operation Directorate, Nadia (respondent no. 8) shall cooperate in having the petitioner commute one-third of his pension amount which shall be adjusted against the outstanding loan amount as aforesaid.

The said respondents shall also cooperate in the petitioner getting his amounts on account of thrift fund, surrender of shares, arrears of pension, retiring gratuity and the commutation value as mentioned hereinabove for the same being placed at the disposal of the Estate Manager Kalyani (respondent no. 2) for being paid to the Kalyani Estate Manager's Employees' Co-operative Credit Society Limited (respondent no. 4) at the earliest.

The petitioner also undertakes to pay Rs.4000/- per month out of his pension amount of Rs.14,760/- till he is alive or for eight years and four months commencing from August 2025, whichever is earlier.

The petitioner also undertakes that his dependent who will receive the family pension in his absence, will be

bound to pay Rs.4000/- per month till the entire sum of Rs.4,00,045/- is fully adjusted. Since the petitioner has volunteered to pay in the mode as aforesaid, the petitioner is exempted from paying any interest for the payments to be made in instalments or by way of the money receivable by him as aforesaid.

This order shall be executable in terms of Rule 53 and 54A of the Rules of this Court relating to applications under Article 226 of the Constitution of India.

Nothing further remains to be adjudicated in this writ petition.

The writ petition being WPA No. 22707 of 2023 is disposed of.

Parties to act on the server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)