

07.7.2025
ML.32

Court No.2
Sg

WPA 24932 of 2024

Asim Kumar Datta

Vs.

The State of West Bengal & Ors.

Mr. Bikash Shaw

Mr. Sk. S. Islam

....for the petitioner.

Mr. Abdul Hamid

Mr. Alope Banerjee

....for the State.

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

Mr. Bikash Shaw, learned advocate and Mr. S. Islam, learned advocate appears for the petitioner. Mr. Abdul Hamid, learned advocate appears for the State.

Despite notice, none appears for the respondent nos.3 to 6, concerned Municipality.

The petitioner was an employee of the concerned Municipality. Petitioner retired on **February 1, 2020**, annexure p-2 at page 17 to the writ petition. Learned advocate for the petitioner submits that the petitioner has received initially provisional pension. The petitioner ultimately has received all the retiral benefits but claims interest on delayed payment, as those retiral benefits were paid at a grossly belated stage.

Learned advocate submitted a representation dated **May 1, 2024** annexure p-26 at page 22 to the writ petition, same has not been considered.

In view of the above, the respondent no.6 upon issuing a prior hearing notice at least seven days to the petitioner and after granting an opportunity of hearing shall decide the said representation dated **May 1, 2024** at page 22 of the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed upon due verification of records by the respondent no. 6 positively within a period of four weeks from the date of communication of this order and 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 before the respondent no.6 but the same shall not travel beyond the scope of said representation dated **May 1, 2024**.

Since, it is submitted that the retiral benefits have been paid in a truncated manner, the

respondent no.6 shall take into account of the payment made to the petitioner and then shall have to come with a definite finding with a calculation with regard to the eligibility of the quantum to which the petitioner is entitled to receive strictly in accordance with law and then shall pass the reasoned order indicating the calculations.

For the purpose of grant of interest the petitioner shall be entitled to receive interest at the rate of 6% per annum since **February 2, 2020** being next date of retirement of the petitioner till the payment actually tendered to the petitioner.

With the aforesaid rate of interest the entire payment shall be made to the petitioner, if it is found that petitioner is entitled to receive any payment in accordance with law positively within a period of four weeks from the date of said reasoned order to be passed by crediting the bank account of the petitioner.

In default, the interest shall be calculated and paid at the rate of 9% per annum after the expiry of said period of four weeks within which interest has been directed to be paid.

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.6 or any part or portion thereof.

Since affidavits are not called for the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition being **WPA 24932 of 2024** stands disposed of without any order as to costs.

(Aniruddha Roy, J.)