

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

47 22.1.2025
Sc Ct. no. 2

WPA 100 OF 2025

Lakpa Tshering Lepcha

Vs.

The State of West Bengal & Ors.

Mr. Deborshi Dhar

....For the Petitioner

Ms. Patralekha Choudhury

....For the Respondent
Nos.1 to 4

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

Mr. Deborshi Dhar, learned Advocate appears for the petitioner.

Ms. Patralekha Choudhury, learned appears for the respondent nos. 1 to 4.

Respondent nos. 5 to 7 are not represented.

The petitioner was working with the respondent no.2 at its **Kalimpong** project. The petitioner retired on **February 28, 2022**. The petitioner has not yet received his employment benefits. The necessary **Pension Payment Order** has not been issued.

Referring to a communication dated **June 27, 2022, Annexure-P12 at page 39** to the writ petition, learned Advocate for the petitioner submits that, the

issue is stuck before the administrative department of the respondent no.2.

In view of the above, the respondent no.3 is directed to consider the claim of the petitioner in the light of the case made out in the writ petition upon issuing a prior hearing notice of at least **seven days** to the petitioner and the respondent no.6 and then after hearing them, the respondent no.3 shall pass its reasoned decision.

The respondent no.6 shall be at liberty to depute a responsible officer from his office who shall produce all the relevant records before the respondent no.3 and shall participate in the hearing.

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 along with a copy of a complete set of the writ petition to the respondent no.3. The reasoned decision shall be communicated to the petitioner and the respondent no.6 positively within a period of **one week** from the date of the said reasoned decision to be passed by the respondent no.3.

If the reasoned decision goes in favour of the petitioner, then the reasoned decision shall immediately be communicated to the appropriate authority for issuance of the necessary **Pension**

Payment Order in favour of the petitioner and such appropriate authority shall issue the **Pension Payment Order** in favour of the petitioner positively within **two weeks** from the date of receiving the reasoned decision from the respondent no.3.

After the said **Pension Payment Order** is issued in favour of the petitioner, the appropriate authority shall take all necessary and consequential steps for making the payment to the petitioner and while calculating the total amount, such appropriate authority shall calculate the same along with **interest @6% per annum since the date of retirement of the petitioner till the actual date of tendering the amount** to the petitioner. Thereafter the pension shall be paid regularly in accordance with law.

In the event the petitioner is found to be disqualified or ineligible to receive the employment benefits or any part thereof, such reasons should be lucidly communicated to the petitioner within the said period of **six weeks**, mentioned above, by the respondent no.3.

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 he wishes to rely upon before the respondent no.3.

This order shall not create any right or equity in favour of the petitioner if the petitioner is found to be ineligible to receive his employment benefits or any part thereof for any reason in accordance with law.

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, **WPA 100 of 2025** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)