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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 88 of 2024

Achinta Kumar Ghosh
Versus
The State of West Bengal & Ors.

Mr. R. Guha Thakurta
Ms. Senjuti Sengupta
... For the petitioner.

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury
... For the respondent no.3

1. The present writ petition has been filed, inter alia, calling upon the respondents to disburse due gratuity payable to the petitioner along with interest for the belated payment. The petitioner also seeks for a declaration declaring that the respondent municipality had illegally deducted "Risk Cover Insurance" from the petitioner's salary, and for recovery of such amount so deducted with interest.

2. Having heard the learned advocates appearing for the respective parties, I find that the entire amount of gratuity along with interest has since been disbursed in favour of the petitioner, as such there is no dispute in that regard. The only dispute revolves around taking of Rs.40/- per month from the petitioner's salary on account of "Risk Cover Insurance". The municipality has since filed an affidavit and has claimed that Rs.40/- has been deducted every month on account of "Risk Cover

Insurance” from the employees of the municipality, pursuant to a general notification published in the board on the basis of a decision taken by the Board of Councillors in its meeting held on 31st August, 2012. The learned advocate representing the municipality would, however, acknowledge the fact that there was no agreement between the parties which could authorize the municipality to deduct the aforesaid amount. According to him since no objection was raised, the aforesaid deduction had been made.

3. Having regard thereto and noting the fact that the aforesaid deduction of Rs.40/- had been made from the petitioner’s salary without any authority of law and without the positive concurrence of the petitioner, I am of the view that the amount of Rs.40/- per month which had been deducted from the petitioner’s salary which, on the basis of the disclosure made by the municipality, works out to Rs.5080/- should be forthwith refunded to the petitioner along with interest @ 10% per annum from the date the same had been deducted till such time the same has been actually disbursed.

4. Since, nothing survives in the writ petition, the same is disposed of accordingly.

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

(Raja Basu Chowdhury, J.)