

9<sup>th</sup> June, 2026  
Item no.M/L 83  
Court No. 18  
Pradip, A.R.(Ct.)

**In the High Court at Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

Case No. **WPA 1480 of 2025**

*In the matter of:*  
**Radhashyam Das** *.... Petitioner*  
**VS.**

**Board of Trustees for the Port of Kolkata & Ors.** *....Respondents*

*For the Petitioner:*  
**Mr. Prasenjit Mukherjee**  
**Ms. Manisha Mandal**  
**Ms. Babita Pramanik** *....Advocates*

*For the Respondents:*  
**Mr. Ashok Kumar Jena** *....Advocate*

1. The petitioner was retired from service on superannuation on 31<sup>st</sup> December, 2015 relying on the data available with the employer. Challenging the recording of his date of birth in the official records, the petitioner filed a writ petition praying for a direction upon the respondent-port authority to correct his date of birth. The writ petition stood dismissed.
2. The order of dismissal passed by the learned Single Judge was carried up in appeal and the Hon’ble Division Bench vide order dated 11<sup>th</sup> December, 2018 set aside and quashed the judgment passed by the learned Single Judge and remanded the matter back to the learned Single Judge for reconsideration.
3. On reconsideration of the writ petition, vide order dated 9<sup>th</sup> February, 2024, the learned Single Judge directed the authority to disburse the terminal dues of the petitioner within a fortnight and made the matter returnable on 23<sup>rd</sup> February, 2024.

4. Pension Payment Order was issued in favour of the petitioner on 22<sup>nd</sup> February, 2024, one day prior to the returnable date.
5. The petitioner submits that as he retired from service in December, 2015 and Pension Payment Order was issued in his favour in 2024, accordingly, he ought to be granted interest for delayed payment of his terminal dues.
6. Prayer has been made by the petitioner to direct the authority to grant interest on account of delayed payment of his retiral dues.
7. The aforesaid prayer of the petitioner is opposed by the learned advocate representing the respondent-port authority.
8. Reliance has been placed on the report affirmed by the Senior Deputy Manager (P & IR), Haldia Dock Complex. The respondents assert that Pension Payment Order could not be issued in favour of the petitioner in proper time as the petitioner did not submit all the relevant documents required for processing his claim for pension. After submission of the necessary documents by the petitioner, his dues stood released within two days.
9. Upon hearing the submissions made on behalf of both the parties and on perusal of the documents annexed to the writ petition, it appears that, as per the records maintained by the port authority, the petitioner stood retired on 31<sup>st</sup> December, 2015. After his retirement as per the official records, the petitioner challenged the recording of his date of birth by filing a writ petition.
10. As the writ petition remained pending, the authority could not take steps to disburse his terminal dues of the petitioner. He also did not submit the necessary documents required for processing his claim for releasing his terminal dues. Had the prayer of the

petitioner seeking correction of his date of birth been accepted by the Court, then the question of issuance of Pension Payment Order or disbursement of terminal dues would not have arisen at all.

11. The writ petition filed by the petitioner stood dismissed by the learned Single Judge but by the order dated 11<sup>th</sup> December, 2018 the Hon'ble Division Bench was pleased to set aside the judgment of the learned Single Judge and was further pleased to remand the matter back to the learned Single Judge for rehearing of the same.
12. The matter was taken up for reconsideration by the learned Single Judge and by order dated 9<sup>th</sup> February, 2024 the Court directed the authority to disburse the terminal dues of the petitioner within a fortnight and made the matter returnable on 23<sup>rd</sup> February, 2024.
13. Prior to the returnable date of the writ petition, the respondent authority issued Pension Payment Order and disbursed the terminal dues of the petitioner.
14. From the timeline as mentioned hereinabove, it does not appear that the delay in issuing the Pension Payment Order was attributable to the respondents.
15. The claim of the petitioner for interest on account of delayed payment of his terminal dues can only be allowed if the delay is attributable to the respondents.
16. It is evident that the respondents were not solely responsible for the delay in issuance of the Pension Payment Order. The petitioner was equally at fault for not submitting all his papers required for processing his claim for releasing his terminal dues. In the absence of all documents the Pension Payment Order could not have been issued in proper time.

17. Had the petitioner accepted his superannuation date as 31<sup>st</sup> December, 2015 as per the records maintained by the port authority, then the delay may not have occurred at all.
18. It is the petitioner who challenged his date of superannuation and filed writ petition which remained pending for a considerable period of time.
19. In view of the above, the Court is not convinced with the prayer of the petitioner for grant of interest. The prayer of the petitioner cannot be allowed. The writ petition fails and is hereby dismissed.
20. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
21. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Amrita Sinha, J.)**