

09.01.2026  
Court No.13  
Item No.2  
AP

**MAT 932 of 2025**  
**With**  
**CAN 1 of 2025**  
**With**  
**CAN 2 of 2025**

**Pijush Bandopadhyay**  
**Vs.**  
**Mr. Kishor Karmakar, Sub-Inspector of Schools,**  
**Chanditala Circle, District - Hooghly**

Mr. Pijush Bandopadhyay  
.... For the Appellant (in-person).

1. Despite service of notice, respondent is not represented.

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

**Re.: CAN 1 of 2025**

3. CAN 1 of 2025 has been filed seeking condonation of delay of 6 days in filing the instant appeal.

4. For the reasons stated in the application, the same is allowed. Delay in filing of the appeal is condoned.

5. Accordingly, CAN 1 of 2025 is allowed.

**Re.: MAT 932 of 2025**  
**With**  
**CAN 2 of 2025**

6. The appellant is aggrieved by an order dated 22<sup>nd</sup> April, 2025 passed by a Single Bench of this Court in W.P.C.R.C. 264 of 2019. By the said order, the Court accepted the compliance report filed on behalf of the

alleged contemnor that the appellant/writ petitioner has already been paid his pension, provident fund and gratuity.

7. On the question raised by the appellant/writ petitioner appearing in-person that he has not received Last Pay Certificate (hereinafter referred to as “the LPC”), the Single Bench in the impugned order dated 22<sup>nd</sup> April, 2025 was of the view that the LPC was not the subject matter of the final order dated 10<sup>th</sup> June, 2019 passed in the main writ petition.

8. Relevant portions of the order dated 10<sup>th</sup> June, 2019, which disposed of the writ petition of the appellant/writ petitioner, are set out hereinbelow:-

*“It is, however, made clear that as per the order of the Chairman, Hooghly District Primary School Council, the petitioner will be treated to have retired from his service on and from May 1, 2017 and the retiral benefits will be calculated on the basis thereof.*

*All the respondents should cooperate in the matter and finalise the issue so that the retiral dues of the petitioner are given to him after adjustment of any salary, which may have been paid to the petitioner after April 31, 2017.”*

9. It would be evident from the above that respondents to first prepare the appellant’s LPC on the basis that he has retired from service on 1<sup>st</sup> May, 2017 i.e. the LPC as on 30<sup>th</sup> April, 2017. It is on the said basis that the other directions in the order to recover from the

appellant/writ petitioner any excess amount paid beyond 1<sup>st</sup> May, 2017 were required to be deducted.

10. The terminal benefits namely pension, provident fund and gratuity are also required to be reckoned on the basis of the LPC. This Court is, therefore, of the view that the Single Bench may have erred in holding that the LPC was not the subject matter of the order dated 10<sup>th</sup> June, 2019.

11. The grievance of the appellant/writ petitioner is that he would have been required to repay the State any sum of salary or dues drawn beyond 1<sup>st</sup> May, 2017.

12. In that view of the matter, this Court is of the view that the disposal of the contempt application by the Single Bench vide impugned order dated 22<sup>nd</sup> April, 2025 is erroneous. The said order to the extent that it has held that the LPC was not part of the order dated 10<sup>th</sup> June, 2019 and it has disposed of the contempt application, is set aside.

13. The contempt application may be listed afresh before the Single Bench for obtaining necessary calculations from the respondents including the LPC.

14. With the aforesaid directions, MAT 932 of 2025 is disposed of. Consequently CAN 2 of 2025 is also disposed of.

15. There shall be no order as to costs.

16. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

**(Rajasekhar Mantha, J.)**

**(Ajay Kumar Gupta, J.)**