

S/L 5
12.05.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 19454 of 2024

Asit Kumar Sarkar

Vs.

Union of India & Ors.

Mr. Tarique Quasimuddin

Ms. Sanchita Chaudhuri

Mr. Adnan Lodhi

...for the Petitioner.

Ms. Anamika Pandey

Mr. Ghanshyam Pandey

Ms. Ayushi Mishra

Ms. Gareema Parth

...for the Union of India.

1. The petitioner retired from service on attaining his normal age of superannuation as Upper Division Clerk on September 30, 2019.

2. When the petitioner was in service, a criminal case was initiated against him. On account of pendency of the criminal case, the respondent authority was not in a position to release his terminal dues.

3. The petitioner stood exonerated from the criminal proceeding on February 6, 2023. Thereafter, he applied for releasing his terminal dues.

4. The petitioner has received the terminal dues but at a belated point of time. By the instant writ petition, the petitioner seeks for grant of interest on such delayed payment.

5. Learned advocate representing the respondents submits, upon instruction that, as the petitioner has been exonerated from the criminal charges leveled

against him, the authority released his terminal dues after making necessary calculation.

6. It has been submitted that interest may be payable only after the criminal proceeding stood concluded.

7. Upon hearing the submissions made on behalf of both the parties and on perusal of the documents placed before this Court, the instant writ petition stands disposed of by directing the concerned authority of the Department of Foreign Trade to take necessary steps for calculating interest on account of delayed payment of the terminal dues of the petitioner.

8. As the judgment quashing the criminal proceeding was delivered by the Court on February 6, 2023, accordingly, the authority would calculate interest to the petitioner at the rate of 6% per annum on the due amount three months after the date of communication of the judgment passed by the Hon'ble High Court quashing the criminal proceeding.

9. The rate of interest is fixed at 6% per annum in view of the fact that the authority was not responsible for the delay in releasing the terminal benefit of the petitioner. The payment got delayed due to the pendency of the criminal case and the department ought not to be faulted for the same.

10. From the documents annexed to the writ petition, it appears that the order of quashing of the criminal proceeding was communicated to the

authority vide a communicating letter dated May 17, 2024.

11. Steps shall be taken by the authority for releasing the dues at the earliest but positively within a period of twelve weeks from the date of communication of this order.

12. Parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.

13. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)