
(2022) 01 CAL CK 0002
In the Calcutta High Court
Case No : Writ Petition No. 1463 Of 2021

Amit Kumar Khan

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 03-01-2022

Acts Referred:

Citation : (2022) 01 CAL CK 0002

Hon'ble Judges : Arindam Mukherjee, J

Bench : Single Bench

Advocate : Debductta Basu, Deblina Chattaraj, Subit Majumdar, Arka Kr. Nag, Tapajit Das

Judgement

Affidavit of service is directed to be filed in the department in course of the day. The matter is taken up since the respondents are represented.

The petitioner was terminated from service with effect from 15th December, 2009 by an order dated 30th November, 2009. The petitioner says that

the petitioner was entitled to gratuity and other terminal benefits on and from 15th December, 2009. The terminal benefits were ultimately released

only on 15th December, 2019. So far as arrears of unpaid pension, the disbursement was made on 3rd January, 2020. The petitioner says that the

petitioner is entitled to interest on a sum of Rs.2,31,623.02p for the period between 15th December, 2009 and 14th December, 2019 and on

Rs.8,60,631/- for the period between 15th December, 2009 and 2nd January, 2020. The petitioner refers to the final order wherefrom it appears that

the date of discharge from service is 15th December, 2009. There is no dispute as to this date. The petitioner then refers to a document appearing at

pages 43 to 45 of the writ petition appears to have been signed by the Chief Accounts Officer, West Bengal Transport Corporation Limited (in short

WBTC). The petitioner says that if he has been discharged from service on 15th December, 2009, the basis of arriving at a date being 1st September,

2019 for computing interest on delayed payment has no basis. The date should have been 15th December, 2009 till 16th December, 2020 for delay in

payment of gratuity and leave salary whereas between 15th December, 2019 to 3rd January, 2020 on account of delay in paying the arrear pension.

On behalf of the WBTC it is submitted that the dates given in the document appearing at pages 43 to 45 are erroneous and as such WBTC has issued

a corrigendum on 8th September, 2021 correcting the dates. This corrigendum, according to WBTC, has been filed as part of the compliance report in

the contempt proceedings being CC 19 of 2021 arising out of an order passed in WPO 419 of 2020. According to WBTC only after going through the

compliance report the order dated 16th September, 2021 appearing at page 42 of the writ petition was passed in the contempt proceedings.

On behalf of the petitioner it is submitted that no compliance report was served either on the petitioner or on his Advocate. No corrigendum dated 8th

September, 2021 has also been served either on the petitioner or on his Advocate.

It appears from the said document that the delay in payment of gratuity and leave salary has been admitted but from 1st September, 2019 to 16th

December, 2020 whereas that on account of arrear pension is from 1st September, 2019 to 3rd January, 2020.

It appears from the order sheets annexed to the writ petition that the petitioner was represented by a different Advocate during the contempt

proceedings as also in the previous rounds of litigation. The present advocate, if not instructed cannot say about non supply of the corrigendum and the

compliance report.

In the aforesaid facts and circumstances, WBTC is directed to file a report in the form of an affidavit containing the corrigendum and the computation

of interest, if any, made on basis of the corrected dates in the said corrigendum dated 8th September, 2021 giving details of the dates, amount, rate of

interest and the aggregate amount, if any, paid to the petitioner on account of interest on delayed payment of the terminal benefits. Let this report in

the form of an affidavit be filed within 19th January, 2022.

Let this matter appear in the list on 24th January, 2022.