

06-05-2026
Item No.4
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.4609 of 2026

Dilip Kumar Nanda

-vs-

The State of West Bengal & Ors.

Mr. Soumyajit Bhatta, adv.
Mr. Rahul Nath, adv. ...for the petitioner

Mr. Ranjay De, sr. adv.
Mr. Basabjit Banerjee, adv.
Mr. Adityajit Abel Bose, adv. ...for WBPDC

1. The petitioner is serving as an Assistant Manager (PS) in the West Bengal Power Development Corporation Limited. He remained absent from duty for the period 2012-2018. He was transferred in January 2012 but he failed to join the transferred place of posting for the aforesaid period.
2. Submission is that the petitioner was suffering from mental health issues and was not in a position to perform his duty. It is only in January 2019 that he rejoined duty.
3. Further submission of the petitioner is that his salary for the years 2012-2018 has not been paid. He made a representation seeking disbursement of his salary for the aforesaid period. The same not being considered, the petitioner has approached this Court under Article 226.
4. Learned counsel for the West Bengal Power Development Corporation Limited submits, upon instruction, that the authority adopted an

extremely lenient stand considering the health of the petitioner and permitted him to rejoin when he visited the office in the year 2019.

5. According to the authority, as the petitioner did not perform his duty for the entire period from 2012 to 2018, the question of payment of salary does not arise at all.
6. The petitioner is unable to produce any provision of law which permits grant of salary to an employee without performing any work.
7. For the purpose of putting forth the stand of the authority as to how and why an employee who remained absent from duty for six long years was permitted to rejoin duty, let a report by way of affidavit dealing with the aforesaid be prepared and filed by the respondent employer before this Court.
8. Such report be prepared and circulated by June 12, 2026.
9. Relist the matter on June 22, 2026.
10. Affidavit of service filed in Court be taken on record.
11. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
12. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

