

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

07 16.7.2025  
Sc Ct. no.2

**WPA 7688 OF 2025**

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Arun Kumar Das

Vs.

The Union of India & Ors.

Ms. Nibedita Chakraborty  
Ms. Shreya Pal.

....For the Petitioner

Mr. Souvik Nandy  
Mr. Ravi Ranjan Kumar.

....For the Respondent  
Nos. 1 to 3

Mr. Pabitra Charan Bhattacharjee ( through VC)  
Mr. Sovan Nayak.

.....For the Respondent  
No.4

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

Ms. Nibedita Chakraborty, learned Advocate appears for the petitioner.

Mr. Souvik Nandy, learned Senior Advocate with Mr. Ravi Ranjan Kumar, learned Advocate appears for the respondent nos. 1 to 3.

Mr. Pabitra Charan Bhattacharjee, learned Advocate appears through virtual mode for the respondent no.4.

The petitioner is a retired employee of the respondent no.2. During his employment, the petitioner has obtained a loan from the added respondent no.4. The loan was partially repaid, partially defaulted.

Learned Advocate Mr. Pabitra Charan Bhattacharjee appearing for the respondent no.4 submits, on instruction from his client that, as of now a sum slightly more than **Rs.3,97,000/-** is due and payable by the petitioner on account of the total satisfaction of the said loan.

The loan agreement between the petitioner and the private respondent no.4 provides, as submitted on behalf of the respondent no.4, that in the event of default in paying back the loan, the employer would have a right not to release the superannuation benefit of the petitioner. Accordingly, the retirement benefit is withheld by the employer/respondent no.2. Seeking release of the said retiral benefit the writ petitioner has filed this writ petition.

On the prior point of time the respondent no.4 also filed a writ petition before this Court when a coordinate Bench by its order dated **November 21, 2024** at **page 43** to the writ petition, directed the employer/respondent no.2 to deduct the defaulted loan amount and to pay the same to the respondent no.4 and only then the balance retiral benefits shall be paid to the petitioner.

Being aggrieved by the said order, an appeal has been carried out by the employer/respondent no.2 which is registered as **MAT 457 of 2025** and the same is pending before the Hon'ble Division Bench.

After considering the rival contentions of the parties and upon perusal of the materials on record, this Court

thinks it fit that, if the petitioner deposits a sum of **Rs.4 lakh (Rupees four lakh only)** with the learned Registrar General of this Court, who in turn shall keep the same in an interest bearing fixed deposit account, subject to the result of the pending appeal, with a national bank, then this Court may consider to direct the respondent no.2 to pay the entire retiral dues to the petitioner in accordance with law.

At this juncture, Ms. Nibedita Chakraborty, learned Advocate appearing for the petitioner prays for two weeks time to obtain instruction from her client.

Accordingly, this writ petition shall appear under the heading "**For Orders**" on **July 31, 2025**.

**(Aniruddha Roy, J.)**