

16-12-2020
ct no. 13
Sl.27
pk

**WPA 7636 of 2015
CPAN 1498 of 2016
CAN 7721 of 2017
(Through Video Conference)**

Ms. Shephali Roy
-Versus-
Mr. M. A. Subramaniam & another

Mr. Krishna Das Podder
....for the petitioner

Mr. Sandip Kumar Bhattacharyya,
...for the contemnor no. 1.

Counsel for the Contemnors Accountant General submits that they were not served a copy of the writ petition and came to know of the proceedings only after receiving the contempt application.

Re: CAN 7721 of 2017

CAN 7721 of 2017 was filed seeking recall of the order dated 23rd April, 2015.

The principal contentions advanced on behalf of the Accountant General is that in terms of the notification dated 12.12.1972 amending the Bengal (Rural) Primary Education Act, 1930, the pension was allowed to teachers of primary school managed by the Board and not other DA getting primary schools.

The petitioner has indicated to this Court that by an order dated 7th December, 2007 the Government of Wet Bengal had in fact allowed

pension to all teachers of DA getting primary private schools by amending G. O. dated 12th December, 1972.

He further submits that pursuant to a decision of this Court dated 1st December, 2016 passed in W. P. 23174 (W) 2016, similarly situated primary teachers of privately managed DA getting schools were allowed pension and the office of the Accountant General has made payment.

In those circumstances, let this matter stand adjourned and be listed on 18th December, 2020 at 2.00 p.m. to enable the counsel for the Accountant General to substantiate his contention that the order of the Govt. of West Bengal dated 7th December, 2007 has either been recalled or held non-est. The Accountant General shall also indicate as to whether the petitioner in W. P. No. 23174(W) of 2016 who are also teachers of DA getting privately controlled primary school, namely, Jagabandhu Girls School have been paid pension by his office.

Let the matter be listed accordingly.

Re: CPAN 1498 of 2016

It is submitted by the counsel for the petitioner that the alleged contemnor nos. 1 and 2 have since retired and in their place Ms. Aditi

Roy Chowdhury and Mr. Susanta Kumar Panda have taken charge as contemnor no. 1 and contemnor no. 2. respectively.

Since the counsel for the Accountant General is present, no fresh rule need be issued.

The petitioner shall communicate this order to the substituted contemnors no. 1 and 2.

Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)