

22-04.2019
Court No.2
Sh/39.

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
WRIT APPELLATE JURISDICTION**

W.P.A. 83 of 2019

Jayanti Mitra. . . .Petitioner.
Vs.
State of West Bengal & Ors. . . .Respondents.

Mr. Jakir Hossain.
... For the Petitioner.
Mr. Joyjit Dutta,
Mr. M. Rahaman,
Mr. Bikramaditya Ghosh.
. . .For the State Respondent.
Mr. Sayan Dey,
Mr. B. Das.
. . .For the respondent no.5 and 6.

This writ petition has been filed complaining that although the petitioner's service was approved as assistant teacher on 6th February, 1981 as is apparent from annexure P-2(page-24) and service book has already been completed in pursuance of order dated 9th August, 2018, being annexure P-15 at page 34, the Pension Payment Order, annexure P-7, page 40, reflects that the qualifying service of the petitioner is 25 years 4 months 26 days calculated up to 31st May, 2009. However, if the approval was granted on 6th February, 1981, it cannot be the qualifying service for 25 years 4 months 26 days, rather the same should have been 28 years 2 months and 22 days, which has been claimed by the petitioner.

However, the petitioner has not made any demand of justice with regard to such discrepancies arose in such Pension Payment Order at page 40 to the writ petition. The

annexures placed before this Court discloses that the petitioner has made out a case for interference of this Court under Article 226 of the Constitution of India. But since no demand of justice has been made, I direct the petitioner to make a comprehensive prayer before the respondent no.8 being the Assistant Director, Director of Pension, Provident Fund and Group Insurance (Branch Office) and in the event such application is made the said authority shall rectify the calculation which has been made in the E-PPO and also take further steps with regard to the revised pensionary benefits as early as possible but preferably within a period of 12 weeks from the date of communication of this order and to communicate the same to the petitioner.

The writ petition is thus disposed of without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties expeditiously on compliance of all requisite formalities.

(SAHIDULLAH MUNSHI, J.)