

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

44 **19.07.**
sm **2019**

WPA 228 of 2019

**Anil Chandra Dey
Versus
The State of West Bengal & Ors.**

Mr. Anirban Banerjee,
Ms. Madhushri Dutta Majumder.
....for the petitioner.

Mr. Subir Kumar Saha.
....for the N.B.S.T.C..

Mr. Bikramaditya Ghosh.
Mr. S. Barman.
.....for the State.

The instant writ petition has been filed complaining of non-payment of full retiral and terminal benefits along with full pension of the petitioner.

It is submitted on behalf of the petitioner that notwithstanding several representations being made by the petitioner dated 27th November, 2017, 17th January, 2018, 9th October, 2018, 30th November, 2018 and 29th January, 2019 respectively the respondents and more particularly the respondent no. 2 & 3 have taken no steps in the matter and kept the representations of the petitioner in abeyance.

It is submitted by the respondent authorities that there are number of cases pending against the petitioner and the records of this case are very old. He further submits that there are certain formalities to be

complied with but the Department will take necessary steps to pay any outstanding dues in favour of the petitioner in accordance with law.

In view of the submissions of the parties, W.P.A. 228 of 2019 is disposed of by directing the respondent no.2 & 3 to consider and dispose of the representation of the petitioner dated 29th January, 2019 being (Annexure P-2 at page 18 of the writ petition).

In view of submissions of the parties, the respondent authorities are directed to dispose of the representation of the petitioner within three months from the date of communication of this order and if the petitioner is eligible to get any pension the same should be released to him forthwith.

It is needless to mention that the respondent authorities will follow the principle of natural justice and passed a reasoned order and afford a right of hearing to the petitioner if necessary. The respondent authorities are directed to communicate any decision taken in this matter to the petitioner within two weeks from the date of order. Nothing in this order is to be considered to be adjudication on the merits of the instant petition which shall be decided by the respondent no.2 without any influenced by any observation made in this order.

Since the instant writ petition is disposed of

without calling any affidavits the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, shall be furnished to the parties upon compliance of usual formalities.

(Ravi Krishan Kapur, J.)