

15 08.09.2020
NB. Ct. No. 13

W. P. No. 1579(W) of 2020

With
CAN 4931 of 2020

(via Video Conference)

Anindita Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Washef Ali Mondal
...for the petitioner.

Mr. Biswabrata Mallick
...for the respondents.

This is an application inter alia seeking release of pension to the petitioner from the date of her retirement i.e. 1.07.2009 as well as Gratuity, Leave Encashment , Provident Fund and other post retiral benefits.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is a retired teacher and had opted for a scheme of CPA. Subsequently, she chose to opt for GPF Scheme as per Notification of the Government. In the meantime, some of her documents in the office of the DI of Schools went missing. The same were reconstructed and an appropriate application was made by her seeking retirement benefits. Yet, the pension and other benefits were not disbursed. The petitioner seeks that her writ application may be treated as a representation and may be considered by the Commissioner of School Education, Government of West

Bengal i.e. the respondent no.2 within a stipulated time by way of a reasoned order.

Learned Counsel appearing on behalf of the respondent no.2 submits that since the petitioner had opted for CPF Scheme at a belated stage, she cannot try to shift to the GPF Scheme. However, the respondent shall not come in the way if a direction is passed upon the respondent no.2 to consider the representation of the petitioner.

In the view of the above, I direct the respondent no.2 to treat the writ application as a representation and to consider the same and decide the petitioner's representation by a reasoned order within a period of two months from this date.

It is made clear that this Court had not gone into the merits of the case and as such, all the points are kept open.

With these observations, the writ petition along with the connected application CAN 4931 of 2020, are disposed of.

(Jay Sengupta, J.)

