

22.12.2020
D/L No.17
Court No.25
s.biswas

WPA 21105 of 2019
With
CAN 1 of 2020 (file not here)

Bilasini Paria
Vs.
Sate of West Bengal & Ors.

(Through Video Conference)

Mr. Krishnadas Podder
Mr. Subir Sabud

... ... for the petitioners

Mr. Malay Singh
Mr. Rajaram Banerjee

... ... for the State

The present writ petition has been preferred challenging the inaction on the part of the respondents to disburse the pensionary benefits in favour of the petitioner.

Mr. Podder, learned advocate appearing for the petitioner submits that the petitioner was an assistant teacher of Bhajachauli Sashibhusan Kanya Vidyapith (in short, the said school). She retired from service on 31st July, 2006 upon attaining 60 years of age. Thereafter she submitted the pension papers but the same were not considered in spite of repeated reminders. Aggrieved thereby, the petitioner preferred a writ petition being W.P. 7055 (W) of 2015. The same was disposed of by an order dated 17th June, 2015 directing the petitioner to submit all requisite papers and the respondent no.4 herein was directed to take steps for releasing petitioner's retiral benefits including gratuity, in accordance with law. Subsequent thereto, the teacher-in-charge of the said school forwarded the original service book along with connected documents to the respondent no.4, as would be explicit from the letter dated 15th March, 2019, annexed at page 32 of the writ petition.

However, no further steps were taken thereafter and the petitioner is yet to receive her pensionary benefits. Aggrieved thereby, the petitioner has approached this Court.

Mr. Singh, learned advocate appearing for the State respondents submits that pursuant to the order passed in the earlier writ petition, the teacher-in-charge of the said school submitted the pension papers to the office of the respondent no.2 on 15th March, 2019 without original DCRB'81 option, ROPA'90 option and fixation, original ROPA'98 option and fixation and original papers regarding refund of Government share including interest. Accordingly, the said respondent no.4 by a memo dated 17th July, 2019 requested the teacher-in-charge to furnish the said documents. As the said documents were not furnished, the respondent no.4 issued further reminders on 25th November, 2019 and 17th January, 2020. Thereafter, by a letter dated 22nd January, 2020 the teacher-in-charge informed the respondent no.4 that the original option forms and other documents are in the custody of the petitioner and in the event the same are submitted, immediate steps would be taken to forward the same.

Mr. Singh submits that there had been no inaction on the part of the respondent no.4 and due to non-cooperation of the school authorities and the petitioner appropriate steps could not be taken for disbursement of the pensionary benefits.

In reply, Mr. Podder submits that the petitioner has submitted all necessary papers and documents prior to her retirement.

Records reveal that the present writ petition was heard on 2nd January, 2020, 5th March, 2020 and 25th November,

2020 but no one entered appearance on behalf of the school authorities. The original service book of the petitioner has been forwarded to the respondent no.4 on 15th March, 2019. From pages 8, 9, 10, 11, 13 and 15 of the photocopy of the service book, as annexed to the present petition, it appears that the petitioner exercised option in terms of G.O. dated 31st July, 1981, her pay was revised as per ROPA'81, ROPA'90 and ROPA'98. From the documents annexed at pages 46 and 47 of the writ petition, it appears that the teacher-in-charge of the said school had certified that the petitioner rendered qualifying service with effect from 14th May, 1975 to 31st July, 2006 and that the petitioner had no liability with the school. It was also certified that no amount had been overdrawn by the petitioner due to wrong fixation. A form for sanction of pension and gratuity has been annexed at pages 72 and 73 of the present petition wherefrom it appears that the teacher-in-charge of the said school had certified that the petitioner is entitled to pension and gratuity. As the petitioner was an approved teacher and as from the service book it appears that she exercised option in terms of G.O. No.372-Edn(s) dated 31st July, 1981 and as her pay was revised from time to time in ROPA'81, ROPA'90 and ROPA'98, her entitlement to pension and gratuity cannot be disputed and her claim cannot be denied on any mere technicalities. Under the Pension Scheme, it is the obligation of the authorities to disburse pension on and from the date of superannuation of the concerned employee. She is an aged lady of 71 years and is suffering from extreme financial stringency as her benefits have been withheld since her retirement in the year 2006.

In the said conspectus, the respondent no.4 should make a sincere endeavour towards settlement and disbursement of the pensionary benefits.

Accordingly, this Court directs the respondent no.4 to consider the grievance of the petitioner, upon granting an opportunity of hearing to the petitioner and the school authorities and to take appropriate steps towards disbursement of the pensionary benefits, in accordance with law and in the light of the observations made in this order and to forward all necessary papers to the respondent no.3 within a period of six weeks from the date of communication of this order along with a copy of the writ petition.

Upon receipt of the relevant documents, the respondent no.3 shall also take all follow up steps towards disbursement of all benefits within two weeks thereafter.

It is made clear that on the date scheduled for hearing by the respondent no.4, the school authorities shall appear along with all the documents. The petitioner shall also produce all documents in her possession, so that the dispute can be resolved.

With the above observations and directions the present writ petition and the connected application are disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on completion of all necessary formalities.

(Tapabrata Chakraborty, J.)