

Court No. 19

20.11.2020

(Sl. 23)
(sp)

WPA 7307 of 2020

With

CAN 1 of 2020

Sri Gopal Chandra Singh @ Gopal Singh

Vs.

State of West Bengal & Ors.

(Via Video Conference)

Mr. Subrata Bhattacharya

... for petitioner

Mr. Srijan Nayak,

Mrs. Rituparna Maitra

...for State

Mr. Ayan Banerjee

...for South Bengal Transport Corporation

Ms. Sanjukta Dutta

...for private respondent

Mr. Bhattacharya, learned advocate appears on behalf of petitioner and submits, his client is retired employee of South Bengal Transport Corporation having voluntarily retired. His grievance is that retiral benefits are not being given to him. The reason, he is unable to submit documents, which require participation of his wife.

Mr. Banerjee, learned advocate appears on behalf of the Corporation and submits, his client does not pay pension to its employees. They are covered by Employees Pension Scheme, 1995. He draws attention to page 25 in the writ petition, which is memo dated 13th March, 2020 addressed by his client to petitioner requiring six documents, particulars given. On query from Court regarding whether petitioner will stand disentitled from obtaining the benefit if his wife refuses to join in executing four of the six documents that require her

participation, Mr. Banerjee, in fairness submits, an affidavit of petitioner to that effect along with the documents he tenders and also Form-D duly filled in and signed must be submitted to the Corporation. His client will forward the same to concerned authority. The decision to extend or deny benefit to petitioner, in the circumstances, will be with the authority.

Ms. Dutta, learned advocate appears on behalf of private respondent and submits, she has been requested by Mr. Srinjay Das, learned advocate to seek adjournment. On query from Court she submits, she is not his chamber junior but acting on request. Therefore, she has no idea about contents of the brief.

Court is not inclined to accede to prayer for adjournment. Petitioner will obtain the documents, particulars of which have been given in memo dated 13th March, 2020. He will enclose those documents, supported by his affidavit declaring the circumstances of tendering the documents without participation of his wife. He will also obtain, fill up and sign Form-D and submit all of these to respondent no.5. Said respondent will, upon receiving the documents, affidavit and Form-D, forward the same to concerned authority, enclosing copy of this order requiring the authority on direction given herein upon said to forthwith deal with claim of petitioner in the circumstances. It is expected the authority will extend the benefit petitioner is entitled to or give reason to him, in event same is denied to him.

On above, the writ petition and connected application are disposed of.

Leave is granted to petitioner to correct the cause title in Court, which will be countersigned by the Assistant Court Officer.

(Arindam Sinha, J.)