

07.12.2020
Item No.02
Daily List
Court No.25
Krishnendu

W.P.A. No. 8475 of 2020
(VIA VIDEO CONFERENCE)

In re: Prasad Ranjan Das
- Versus-
The State of West Bengal & Ors

Mr. Sukanta Chakraborty
Mr. Anindya Halder
For the Petitioner
Mr. Arindam Chattopadhyay
Mrs. Lipika Chatterjee
For the State

Affidavit of service filed by the petitioner be
kept on record.

Mr. Chakraborty, learned advocate appearing
for the petitioner submits that the petitioner retired
from the post of an assistant teacher in Shirakole Y.N.
High School (H.S.) (in short, the said school) on
31st August, 2020. As instructed, the petitioner
submitted his A & B parts of the pension papers as
per the e-pension procedure to avail his pensionary
benefits in terms of ROPA 2009. Subsequently, the
petitioner was intimated by the respondent no. 3 that
he is required to file the A & B parts as per ROPA
2019. Accordingly, the petitioner issued a letter on 3rd
March, 2020 to the respondent no. 7 requesting him
to return the A & B parts and to furnish the C, D and E
parts so that he may submit the same in terms of

ROPA 2019. In spite of repeated reminders, the school authorities have neither returned the A & B parts nor have handed over the C, D & E parts to the petitioner.

Mr. Chakraborty further submits that the provident fund amount payable to the petitioner had been deposited in the Diamond Harbour Treasury but he is not in a position to withdraw the same due to non-supply of the relevant documents by the school authorities.

Mr. Chattopadhyay, learned advocate appearing for the State respondents submits that the inaction of the school authorities is under challenge in the present writ petition and that the respondent no. 3 had already issued a memo dated 1st December, 2020 to the respondent no. 7 asking him to submit a report. A copy of the said memo, as produced, be kept on record.

It appears that the petitioner though his learned advocate issued a letter dated 26th August, 2020 to the respondent no. 7 ventilating his grievances but the same has not been responded to. A copy of the said letter has also been sent to the respondent no. 3.

No one appears on behalf of the school authorities and no explanation is forthcoming as to why the relevant documents have not been handed over to the petitioner by the school authorities.

The petitioner's entitlement towards pensionary benefits and provident fund dues is not in dispute. It appears that disbursement of the same has been delayed due to non-cooperation of the school authorities, particularly the respondent no.7.

In the said conspectus, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the respondent no. 3, who is the pension sanctioning authority.

Accordingly, this Court directs the respondent no. 3 to consider the grievance of the petitioner, as contained in the letter dated 26th August, 2020, annexed at page 25 of the writ petition, upon granting an opportunity of hearing to the petitioner and the school authorities and to take steps towards disbursement of the pensionary benefits of the petitioner, including the provident fund amount in accordance with law and in the light of the observations made in this order, within a period of six weeks from the date of communication of this order along with a copy of the writ petition.

On the date fixed for hearing by the respondent no. 3, the school authorities shall appear and produce all relevant records so that the dispute can be resolved immediately.

It is made clear that this Court has not considered the petitioner's claim towards payment of interest.

With the above observations and directions, the writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)