

24.12.2020
Item No.11
Daily List
Court No.25
Avijit Mitra

W.P.A. No. 8718 of 2020
(VIA VIDEO CONFERENCE)

In re: Jalaluddin Sekh
- Versus-
State of West Bengal & Ors

Ms. Pampa Dey Dhabal
For the Petitioner
Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
For the State respondents

The present writ petition has been preferred
primarily praying for the following relief :

“ (a)A writ in the nature of Mandamus Commanding the Respondent Authorities their men, agents, associates and each one of them to release the provident fund, death gratuity as well as family pension by considering the service rendered by the wife of the petitioner as a Assistant Teacher in language group in the Nawpara Rupdaha High School (H.S.), situated at post office-Rupdaha, police station-Dhubulia, District-Nadia from 25.8.2010 to 25.12.2019 by considering the representation dated 9.9.2020 being annexure P-6 of this writ application and also by granting interest on gratuity @ 18% per annum from the date of death till such payment for illegally withheld the said provident fund, death gratuity as well as family pension forthwith“

Ms. Dhabal, learned advocate appearing for the petitioner submits that the petitioner's wife, namely, Arifa Chowdhury Sekh was approved as an assistant teacher of Nawpara Rupdaha High School (H.S.) (in short, the said School) with effect from 19th

August, 2010 and she died-in-harness on 25th December, 2019 due to kidney failure leaving behind the petitioner and a minor daughter.

Ms. Dhabal submits that thereafter repeated representations were submitted by the petitioner claiming the retirement benefits pertaining to service of the deceased. The same were not attended to. The last representation was submitted by the petitioner on 9th September, 2020 to all the respondents including the respondent no.5 stating *inter alia* that the petitioner is an unemployed person having no source of income.

Mr. Chattopadhyay, learned advocate appearing for the State respondents has not been able to apprise this Court as regards the steps, if any, taken by the competent authority pertaining to the petitioner's claim.

Upon hearing the learned advocates appearing for the respective parties and upon considering the materials on record, 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 pension sanctioning authority being the respondent no.5.

Accordingly, this Court directs the respondent no.5 to consider the representation submitted by the petitioner on 9th September, 2020 and to take appropriate steps towards disbursement of the

retirement benefits pertaining to service rendered by the deceased teacher, upon granting an opportunity of hearing to the petitioner and the school authorities within a period of six weeks from the date of communication of this order along with a copy of the writ petition.

In the event the petitioner's claim cannot be accepted, a decision disclosing the reasons shall be communicated by the respondent no.5 to the petitioner within the period as specified above.

Needless to observe in the event the petitioner's claim deserves acceptance, all necessary follow up steps shall be taken by the respondents forthwith.

As the writ petition has been disposed of without calling for affidavits, the allegations levelled against the respondents in the same shall be deemed to have been denied.

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.)

