

08.12.2020

span / 09
Court No.25
Video Conference

W.P.A. No. 9049 of 2020
Sandwip Kumar Bhattacharya
- Versus -
The State of West Bengal & Others

Mr. Balai Lal Sahoo,
Md. Ali Mansoor
... for the petitioner.
Mr. Bhaskar Prasad Baisya,
Mr. Arindan Chatterjee
... for the State.

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

Mr. Sahoo, learned advocate appearing for the petitioner submits that the petitioner retired from the post of Headmaster at Kabirpur High School (H.S.) (in short, the said school) on 31st January, 2020. During his service career he got two additional increments on the basis of the government order dated 4th May, 2020. Prior to retirement, the petitioner submitted all relevant documents before the school authorities so that the same may be forwarded to the pension sanctioning authority, being the respondent no.4, for disbursement of the pensionary benefits. In spite of repeated reminders there was no response from the school authorities and the respondent no.4 towards disbursement of the pensionary benefits. As such, the petitioner was constrained to issue a notice of demand to the respondents through this learned

advocate on 19th March, 2020. The said representation has yet not been considered and the petitioner has not been disbursed the benefits. The delay which has occasioned is attributable to the respondents.

He further submits that as per the pension scheme, the authorities are under obligation to immediately disburse pension after retirement of the concerned employee. Such obligation in this case has not been discharged by the respondents and as a consequence thereof, the petitioner is presently suffering from extreme financial distress.

Mr. Baisya, learned advocate appears on behalf of the State respondents.

Under the pension scheme, it is the obligation of the respondents to ensure that the petitioner starts getting pension on and from the date of his retirement. No explanation is forthcoming as to why the petitioner's pension case has not been processed.

Upon hearing the learned advocates appearing for the petitioner and the State respondents, 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. 4, who is the pension sanctioning authority.

Accordingly, this Court directs the respondent no. 4 to consider the grievance of the petitioner, as

contained in the letter dated 19th March, 2020, annexed at page 35 of the writ petition and to take appropriate steps towards disbursement of the pensionary benefits of the petitioner, in accordance with law and in the light of the observations made in this order within a period of four weeks from the date of communication of this order along with a copy of the writ petition, upon granting an opportunity of hearing to the petitioner and the school authorities.

It is made clear that on the date fixed for hearing by the respondent no.4, the school authorities shall appear and produce all relevant documents pertaining to the petitioner's claim so that the dispute can be resolved.

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.)