

08.12.2020

Item No.50
Court No.25
Avijit Mitra

W.P.A. No. 9607 of 2020 (Via Video Conference)

**In re: Smt. Sabitri Das
- Versus -
State of West Bengal & Ors.**

Mr. Uttam Kumar Bhattacharya
For the Petitioner
Ms. Chaitali Bhattacharya,
Mr. Mrinal Kanti Ghosh
For the State respondents

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that after the retirement of the petitioner from the post of assistant teacher in Bhemua R.T. Girls' High School (in short the said school) on 30th April, 2007, the petitioner was issued a Pension Payment Order. Subsequently, such Pension Payment Order was revised vide memo dated 5th May, 2011. Thereafter, the petitioner came to learn that the private respondent no.7, who was junior to the petitioner, had been granted higher scale of pay with effect from 1st April, 2020. The petitioner is thus entitled to similar benefit. Such fact was intimated to the school authorities, who in turn, took a resolution dated 27th February, 2012 and submitted all necessary documents to the respondent no.4 on 1st March, 2012.

Mr. Bhattacharya further submits that ultimately the respondent no.2 by a memo dated 14th August,

2013 requested the respondent no.4 to put up the petitioner's case in terms of the Government Order dated 21st November, 2006. The said respondent no.4 complied with such directive and forwarded the necessary papers to the respondent no.2 by a memo dated 3rd November, 2014. No copy of the same was served upon the petitioner and he obtained a copy from the school authorities much later. In support of such contention he has relied upon the averments made in paragraph 10 of the writ petition.

He submits that in spite of submission of all necessary records by the respondent no.4, no final decision has been taken by the respondent no.2 and aggrieved thereby, the petitioner has approached this Court.

Ms. Bhattacharya, learned advocate appearing for the State respondents denies and disputes the contention of the petitioner and submits that the petitioner has approached this Court belatedly.

Records reveal that by the memo dated 14th August, 2013, the respondent no.2 requested the respondent no.4 to put up the petitioner's case. In the said memo it was also indicated that upon receipt of such response from the respondent no.4 further action would be taken from the end of the respondent no.2.

In view thereof, 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 competent authority being the respondent no.2 for taking a final decision.

Accordingly, this Court directs the respondent no.2 to consider the documents, as forwarded to him by the respondent no.4 *vide* memo dated 3rd November, 2014 upon granting an opportunity of hearing to the petitioner and the school authorities and to take a decision, in accordance with law and to communicate the same to the petitioner within a period of six weeks from the date of communication of this order along with the copy of the writ petition.

On the date of hearing, the school authorities shall produce all relevant documents pertaining to the petitioner's claim before the respondent no.2.

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

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 supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)