

14.12.2020
D/L No.13
Court No.25
s.biswas

WPA 9638 of 2020

Pratima Maiti (Dhara)
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Ekramul Bari
Mr. Syed Mansur Ali
... ... for the petitioner
Mr. Supriyo Chattopadhyay
... ... for the State

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

The present writ petition has been preferred challenging *inter alia* the inaction on the part of the respondents to disburse the pensionary benefits of the petitioner, who retired from the post of Assistant Teacher of Nirmal Hriday Ashram Girls' High School (in short, the said school) on 31st July, 2018.

Mr. Bari, learned advocate appearing for the petitioner submits that prior to the scheduled date of retirement on 31st July, 2008, all necessary documents were submitted towards grant of the pensionary benefits. Certain objections were raised by the Directorate of Accounts on 5th July, 2018, 7th January, 2019 and 20th July, 2010 and forwarded to the respondent no.3. Dealing with all the objections, a reply was furnished to the respondent no.3 by the Secretary of the said school through a letter dated 22nd January, 2020. Thereafter no

further steps have been taken by the respondents and the petitioner's claim has been kept in abeyance.

Mr. Bari submits that after retirement, the respondents cannot claim refund of any amount sanctioned and disbursed by the competent authority. In support of such contention, reliance has been placed upon an order passed by this Court in the case of *Rajkumar Jana vs. The State of West Bengal & Ors.* in W.P. 21935 (W) of 2017.

Mr. Chattopadhyay, learned advocate, appears for the State respondents.

Upon hearing the learned advocates appearing for the respective parties, I am of the opinion that no useful purpose would be served in keeping the writ petition pending and the issue needs to be relegated to the pension sanctioning authority being the District Inspector of School (S.E.), Paschim Midnapore.

Accordingly, this Court directs the respondent no.3 to consider the replies furnished by the Secretary of the said school through the letter dated 22nd January, 2020 to the objections as raised from the office of the Directorate of Accounts 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, upon granting an opportunity of hearing to the petitioner and the school authorities, within

a period of eight weeks from the date of communication of this order along with a copy of the writ petition.

It is made clear that on the date scheduled for hearing, the school authorities shall appear along with all relevant records so that the dispute can be resolved.

The other respondents shall also take all follow up steps and ensure that the petitioner's pensionary benefits are disbursed forthwith.

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

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on completion of all necessary formalities.

(Tapabrata Chakraborty, J.)