

Sl No.45
17.02.2020.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 197 of 2020
Jayanti Mitra
-versus
The State of West Bengal & Ors.**

Mr. Jakir Hossain
...For the Petitioner.

Mr. Hiram Barman
Mr. Bedashruti Bose
...For the State respondents.

None appears on behalf of the school authority in spite of service. Affidavit-of-service filed in Court is taken on record.

The petitioner is a retired Assistant Teacher of Dinhata Girls' High School. Being aggrieved by the wrong recording of the period of qualifying service as mentioned in her Pension Payment Order the petitioner approached the High Court at Calcutta for necessary relief. According to the petitioner her qualifying service ought to have been 28 years 2 months and 22 days whereas in the Pension Payment Order the same has been mentioned as 25 years 4 months and 26 days.

The writ petition filed by the petitioner was disposed of by an order dated April 22, 2019 whereby a co-ordinate Bench of this Court directed the petitioner to make a comprehensive prayer before the Assistant Director, Director of Pension, Provident Fund and Group Insurance(Branch office). The Court directed that, in the event, such an application is made the said authority shall rectify the calculation which has been made in the E-PPO and also take further steps with regard to the revised pensionary benefits.

Pursuant to the leave granted by the Court the petitioner filed a representation before the said authority which was considered and disposed of by order dated July 30, 2019 whereby the said respondent was of the opinion that the pension sanctioning authority that is the District Inspector of Schools (S.E.), Cooch Behar be requested to direct the school authority to examine/consider the application of sanction of leave in terms of the Government order and accord necessary approval. The school authority will thereafter forward the case to the pension sanctioning authority for onward transmission to the office of the Assistant Director, Pension, Provident Fund & Group Insurance, Finance Department, Government of West Bengal along with all pension papers including service books for enhancement of period of qualifying service and pensionary benefits.

The grievance of the petitioner is that till date the rectification as required to be made in the Pension Payment Order has not been carried out. Neither the school authority nor the District Inspector of Schools (S.E.), Cooch Behar has taken any step pursuant to the order passed by the Assistant Director, Pension, Provident Fund & Group Insurance.

The learned advocate for the State submits that necessary direction may be passed for doing the needful.

After hearing the submissions made on behalf of both the parties since it appears that the Assistant Director has already taken a decision to request the District Inspector of Schools (S.E.), Cooch Behar and the school authority to take necessary steps in terms of the Government order for the purpose of sanctioning the leave, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is disposed of by directing the District Inspector of Schools (S.E.), Cooch Behar being the respondent no. 3 herein to take prompt necessary steps to immediately take up the issue with the school authority in terms of the Government order for sanction and approval of the leave of the petitioner. The pension papers of the petitioner shall thereafter be forwarded to the pension sanctioning authority for onward transmission to the office of the Director, Director of Pension, Provident Fund and Group Insurance. The District Inspector of Schools (S.E.), Cooch Behar shall take steps in the matter at the earliest but positively within eight weeks from the date of communication of a copy of this order.

The respondents shall ensure that the necessary correction is made in the Pension Payment Order of the petitioner and the pension is actually disbursed in favour of the petitioner within a period of four months from the date of communication of a copy of the order to the office of the District Inspector of Schools (S.E.), Cooch Behar.

WPA 197 of 2020 is disposed of.

Urgent photostat certified copy of this order if applied for, be given to the parties after completion of all legal formalities.

sh

(Amrita Sinha, J.)