

S/L 8
23.03.2021
Court No.26
SD

WPA 3944 of 2021
(Via Video Conference)

Md. Jafar Ali
Vs.
The State of West Bengal & Ors.

Mr. Parvez Hossain

...for the Petitioner.

Ms. Kakali Samajpaty

...for the State.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the State authorities with regard to non-issue of Pension Payment Order in favour of the petitioner and release of his retiral benefit including pension.

A letter issued by the Deputy Director of Accounts (SE) in charge, Dakshin Dinajpur dated March 6, 2020 and another letter from the Additional District Inspector of Schools (SE), Gangarampur Sub-Division at Buniadpur, Dakshin Dinajpur dated June 9, 2020 indicates that the exercise of ROPA 2009 by the petitioner has been approved with effect from January 1, 2006. In spite of the same, for the reasons best known to the State authorities, the retiral benefits of the petitioner are not being released.

Ms. Kakali Samajpati, counsel appearing on behalf of the State authorities, submits that the issue with regard to the petitioner's pensionary schemes has been referred to the

Commissioner of School Education. She accordingly prays that directions may be passed upon the Commissioner of School Education to take a decision in this matter expeditiously.

In light of the same, the Commissioner of School Education being the respondent no.2 is directed to grant an opportunity of hearing to the petitioner and thereafter pass a reasoned order within a period of four weeks from date.

With these above observations and directions, this writ petition stands disposed of.

Since, no affidavit-in-opposition has been called for the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)