

S/L 60
14.06.2021
Court. No. 17
GB

W.P.A. 5701 of 2021

Sanjit Kumar Dutta
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Uttam Kumar Bhattacharya,
Mr. Kaustuv Mishra.

...for the Petitioner.

Mr. Bhaskar Prasad Vaishya,
Mr. Ranjan Saha.

...for the Respondents.

This writ petition arises out of the inaction on the part of the State authorities in granting the pension and other retirement benefits to the petitioner.

The petitioner was appointed as an Assistant Teacher in Work Education and Physical Education Group in Ujan Hari Pada High School. The petitioner retired on December 31, 2019. The papers were submitted by the school authorities before the District Inspector of Schools on June 17, 2019. After receipt of the pension papers, the pension sanctioning authorities raised certain objections and directed the school authorities to cure the defects.

It is the contention of the petitioner that despite the defects having been cured by the school authorities, the pension sanctioning authorities sat tight over the matter and intentionally delayed the payment of retirement benefits to the petitioner.

The learned advocate appearing for the State respondents submits that as per his instructions the queries raised by the pension sanctioning authorities was not addressed by the school authorities and hence, the delay in disposal of the pension case of the petitioner.

Having heard the learned advocates for the respective parties, I find that it is an admitted position that the petitioner was appointed in a school and had rendered sincere service through out his career. There are no allegations against the petitioner. I do not find any reason why the pension and other retirement benefits of the petitioner to which the petitioner is otherwise eligible in accordance with law, shall be withheld. If the school authority has not corrected the defects, it is also incumbent upon the school authorities to perform their function diligently and cure the defects and pass on all the papers with clarifications and corrections to the pension sanctioning authority.

Under such circumstances, this writ petition is disposed of with a direction upon the pension sanctioning authorities, which is the District Inspector of Schools, Secondary Education, Paschim Medinipur to decide the issue with regard to the sanction of pension and other retirement benefits to the petitioner in accordance with law within a period of six weeks from date upon hearing the petitioner as also the school authorities and pass a reasoned order upon taking a decision thereon. If it is found that the pension papers are in order and the objections have been answered by the

school authorities, then the District Inspector of Schools shall forward the recommendation and the papers to the Director of Pension, Provident fund and Group Insurance, West Bengal within two weeks from such decision and steps shall be taken for urgent disbursement of the retirement benefits of the petitioner. If it is found that the school authorities have not answered to the objections raised by the District Inspector of Schools, then a reasoned order should be passed within six weeks intimating the school authorities and the petitioner what other formalities and/or corrections are required to be done to enable the petitioner to get the retirement benefits at an early date. It is expected that all the authorities shall act in accordance with law expeditiously, keeping in mind that the retired employee cannot be deprived of his legitimate retirement benefits. If the person sanctioning authorities sanctions the payments then the disbursing authority shall disburse the retirement benefits as per law within six weeks from receipt of communication of the sanctioning authority.

This writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)