

08.12.2021
SL No. 19
Court No. 24
(P.M.)

WPA 6541 of 2021

**Radhashyam Mondal
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Tulsi Das Maiti,
Mr. Pradip Kumar Ghosh
... for the petitioner

Ms. Sanghamitra Nandy,
Mr. Bhaskar Chakraborty
... for the State

The petitioner retired as the Head Teacher of a primary School on 29th February, 2020 on attaining his normal age of superannuation of 60 years.

According to the petitioner he completed twenty year of service on 30th January, 2020 and he is entitled to get the twenty years non-functional service benefits.

The grievance of the petitioner is that after retirement the authorities have not released his reitral dues. It has been submitted that apart from Provident Fund no further retirement dues have been released in his favour till date.

The District Inspector of Schools have given written instruction to the learned advocate on 16th April, 2021 wherefrom it appears that the petitioner submitted his application for receiving pensionary benefits in part A and B on 7th June, 2019 in the office of the Sub-Inspector of Schools.

It further appears that after official check register as submitted by the concerned Sub-Inspector of Schools, it

has been detected that one additional increment has been drawn in favour of the petitioner in January, 2010 giving him the ten years' benefit and again normal increment was given to him on 1st July, 2010 which was not admissible as per G.O. No. 181-SE(B) dated 8th October, 2019.

According to the petitioner he is entitled to get the ten years' benefit as well as the normal increment.

Be that as it may, as it appears that the pension case of the petitioner is yet to be finalized by the respondent authorities and the petitioner has retired way back in February, 2020, it is the high time for the respondent authorities to finalize the pension papers of the petitioner.

It is settled law that a retired employee is eligible for receiving his retiral dues immediately upon retirement but in the instant case the same has been kept pending for such a considerable period of time.

In view of the above, the respondent authorities are directed to finalize the pension papers of the petitioner strictly in accordance with law, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The District Inspector of School, Primary Education Paschim Medinipur is directed to release the provisional pension in favour of the petitioner at the earliest, but positively within a period of four weeks hereof.

As it appears that the authority has delayed in releasing the retiral dues of the petitioner, accordingly the

petitioner is entitled to receive interest on account of such delayed payment. The retiral dues shall be released in favour of the petitioner with interest @ 7% p.a. to be calculated on and from the due date till the date of actual payment.

Step shall also be taken for releasing retiral gratuity in favour of the petitioner within the time specified above.

It is made clear that if the payment is not made within the time as specified herein above, then the petitioner shall be entitled to receive an additional interest of 2% p.a. (7% + 2%) calculated on and from the due date till the date of actual payment.

The instruction given by the District Inspector of Schools, Primary Education, Paschim Medinipur dated 16th April, 2021 is retained with the records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)