

08.12.2021
SL No. 20
Court No. 24
(P.M.)

WPA 6958 of 2021

Rina Brahmachari Bhattacharyya
Vs
The State of West Bengal & Ors.
(Via Video Conference)

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

Mr. Sagnik Chatterjee
... for the State

The petitioner retired from service on 30th September, 2018. She is yet to receive pension, gratuity and other retirement benefits.

It appears from the documents annexed to the writ petition that in January, 2019 the District Inspector of Schools communicated to the Commissioner of School Education that the pension case of the petitioner may be proceeded with by accepting the teachers' option as switched over from CPF to GPF.

The learned advocate appearing for the District Inspector of Schools, Primary Education, Paschim Medinipur has filed a report wherein it has been mentioned that the matter is presently under the consideration of the Finance Department of the Government of West Bengal. The School Education Department on 6th December, 2021 after consideration of the matter referred it to the Finance Department for concurrence.

According to the petitioner she 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 on 30th September, 2018, 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 report dated 6th December, 2021 filed by the District Inspector of Schools in Court today is taken on record and the receipt showing payment of Rs. 5,000/- (Rupees Five Thousand) to the High Court Legal Services Committee dated 30th November, 2021 is also taken on record.

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.)