

Ct. 05
Item No.12
21.09.2021
(suvendu)

WPA 8648 OF 2021

(VIA VIDEO CONFERENCE)

Arun Kumar Das
Vs.
The State of West Bengal & Ors.

Md. Arfin
Ms. Sima Ghosh
.....for the petitioner

Mr. Pantu Deb Roy
.....for the State

The writ petitioner is a retired Headmaster of Sainthia High School, District –Birbhum. For availing the benefit of pension, the writ petitioner refunded Government share of provident fund on 21st April, 2016 and 30th August, 2017, which are admittedly after the stipulated time period as per relevant Government Order No. 749SE (L) dated 13th June, 2014. For sanction of pension, condonation of delay in refunding Government share of provident fund is required and as a result whereof, after refunding the Government share of provident fund from the end of the writ petitioner, on his prayer, Deputy Director of School Education (GA), Government of West Bengal vide Memo dated 24th December, 2019 requested the Joint Secretary, School Education Department,

Government of West Bengal for taking necessary steps for condonation of such delay. Ultimately, the Deputy Secretary of School Education Department (Secondary Branch), Government of West Bengal, by issuing Memo, being No. 846 – SE(S)/5P –02/2020 dated 14th December, 2020, regretted such prayer of the writ petitioner for condonation of delay in refunding Government share of provident fund upon referring to observation of the Finance (Audit) Department, Group –B dated 13th November, 2020.

This Court on previous occasion by passing an order dated 14th September, 2021 directed Mr. Deb Roy, learned Additional Government Pleader representing the State respondents, to obtain instructions with regard to the prevailing situation relating to condonation of delay in refunding the Government share of provident fund as well as the contents of the said observation of the Finance (Audit) Department, Group –B dated 13th November, 2020. Mr. Deb Roy has obtained instructions, wherefrom it appears in similar circumstances other teachers working in different schools in the State of West Bengal have already received the benefits of pension upon condonation of delay in refunding the Government share of provident fund. In view of such condonation in

favour of the other teachers working in different schools in the State of West Bengal, the claim of the writ petitioner has been again forwarded to the concerned authority of the Finance Department, Government West Bengal. It is submitted in the event of necessary directions given upon the Secretary, Finance Department, the issue might be favourably considered in view of identical benefits have already been extended to some other teachers.

This Court has considered the rival contentions of the respective parties to this writ petition as well as the instructions received by Mr. Deb Roy from the Assistant Secretary, School Education Department, Law Branch, Government of West Bengal. The copy of such instructions is retained with the records.

Accordingly, the impugned Memo dated 14th December, 2020, being annexure P –8 of the writ petition, is set aside and this Court directs the Secretary, Finance Department, Government of West Bengal to revisit the issue and take a decision on the prayer of the writ petitioner for condonation of delay in refunding the Government share of provident fund for availing of the benefit of pension. Such decision to be taken by the Secretary, Finance Department within a period of

twelve weeks from the date of communication of this order. The decision to be taken by the Secretary, Finance Department to be communicated to the writ petitioner within two weeks thereafter.

Accordingly, the writ petition is disposed of without any order as to costs.

The advocate-on-record of the writ petitioner is granted liberty to amend the cause title of the writ petition by adding the Secretary, Finance Department, Government of West Bengal, as a party respondent to this writ petition in course of this day and shall serve a copy of this order along with a copy of this writ petition to the added respondent within a period of seven days from date.

Affidavit of service filed in Court today is taken on record.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)