

06.08.2021
item no.165
s. bhar
Ct.No. 17

WPA 5898 of 2020

(via video conference)

Rajesh Kumar Pandey
-Vs-
The State of West Bengal & ors.

Mr. Supriyo Chattopadhyay
Ms. Saswati Adhikary ...for the Petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee... for the State Respondent

This writ application has been filed for a mandamus commanding the respondents specifically the respondent no. 3, who accepted the application of the petitioner, pertaining to disbursement of his retirement benefits taking note of his service with effect from joining dated 12th September, 1983. He has made an alternative prayer also for holding the joining data as 18th May 2007 without prejudice and to process the same at the earliest.

This writ application was filed on 30th June, 2020. The writ petitioner has retired from his service on 1st July, 2020. Today, the petitioner's prayer before this court is for the alternative relief that is for processing his claim of retirement benefits from 18th May, 2007 without prejudice as he is a retired person now and if the retirement benefit or a part of it is not paid to him, he would suffer as he is suffering now after his retirement. This alternative prayer can be allowed as the date of joining 18.05.2007 is not disputed.

Therefore, I direct the respondent no. 3 being the District Inspector of School (SE), Howrah to process the claim of the petitioner from 18th May, 2007 till the date of his retirement i.e. 30th June, 2020.

The petitioner's claim for the period from 12th September, 1983 to 16th May, 2007 shall remain alive and it is the subject matter of W.P. no. 11871 (W) of 2017 which is pending. Whether the petitioner is entitled to get his retiral benefits from 12th September, 1983 or not, would be decided on the basis of W.P. no. 11871 (W) of 2017. Such part of the claim of the petitioner is kept open.

With this direction and with the hope and expectation that the process of retiral dues for the above period as has been allowed by this court, will be processed within a period of three months from the date of the communication of this order.

The petitioner is directed to serve a copy of this order and the respondent no. 3 is directed to act on the basis of a server copy of this order. Certified copy whereof has to be filed by the petitioner within a period of three months from date to the respondent no. 3.

Since affidavits are not called for, all allegations made against the respondents by the petitioner are deemed to have been denied and disputed.

With this direction, this writ application is disposed of.

All parties are to act on the server copy of this order duly downloaded from the website of this court.

(Abhijit Gangopadhyay, J.)