

S/L 61
14.06.2021
Court. No. 17
GB

W.P.A. 10115 of 2021

Binoy Kumar Mishra
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Uttam Kumar Bhattacharya,
Mr. Kaustuv Mishra.*

...for the Petitioner.

*Mr. Pinaki Bhattacharya,
Mr. Pinaki Dhole.*

...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 Language Group (Bengali) in Gobindapur Makrampur Swarnamoyee Sasmal Siksha Niketan (H.S.). The petitioner retired on January 31, 2020. The papers were submitted by the school authorities before the District Inspector of Schools, Paschim Medinipur on April 5, 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 pension sanctioning authority has sent the matter to the Joint Director of Accounts and the matter is pending a decision at that end.

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 has 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 he is otherwise eligible and in accordance with law, shall be withheld. It is also incumbent upon the school authorities to perform their function diligently and cure the defects and pass on all the papers to the pension sanctioning authority.

Under such circumstances, this writ petition is disposed of with a direction upon the pension sanctioning authority 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 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. If it is found that the school authorities have not complied with the queries and answered to the objections raised by the District Inspector of Schools, then a reasoned order should be passed within six weeks from date intimating the school authorities and the petitioner what other formalities and/or correction are required to be done in order to enable the petitioner to get the retirement benefits at an early date. It is expected that the authorities shall act in accordance with law and expeditiously, keeping in mind that the retired employee cannot be deprived of his legitimate retirement benefits. If the disbursing authority receives an intimation from the sanctioning authority that the benefits can be given then the disbursing authority shall make the payment within six weeks from receipt of such intimation.

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.)