

10.11.2021
Court No.8
Item No.34
AP

**MAT 613 of 2021
With
CAN 1 of 2021**

**Minati Dash (Mishra)
Vs.
State of West Bengal and Ors.
(Through Video Conference)**

Mr. Arka Maiti

... For the Appellant.

Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

... For the State.

Mr. Uttam Kumar Bhattacharya

... For the Respondent No.4.

The appeal, application and connected writ petition are treated as on day's list with the consent of the parties and dispose of by this common order.

The appeal is directed against the order dated 22nd June, 2021 passed by the Hon'ble Single Bench in the writ petition being WPA 7002 of 2021.

The writ petition relates to payment of retiral dues in favour of the writ petitioner in view of her superannuation on 30th April, 2020. The writ petitioner/appellant was an approved assistant teacher in a government aided school who retired on superannuation on 30th April, 2020. After superannuation of the writ petitioner/appellant necessary steps were taken by the concerned respondent authorities including the authority of the school where the writ petitioner/appellant was working.

While the pension papers were being processed by the District Inspector of School (SE), Paschim Medinipur, on scrutiny of those papers the said District Inspector of Schools raised certain objections. In view of raising such objections claim of pension of the writ petitioner/appellant could not be settled in due time. On such delay the writ petitioner/appellant filed a writ petition being WPA 7002 of 2021, on which the Hon'ble Single Bench passed an order on 22nd June, 2021 which is appealed against.

By the said order dated 22nd June, 2021 Hon'ble Single Bench directed the school authority to file a short affidavit by four weeks dealing with the said report/objection raised by the concerned District Inspector of Schools. Being aggrieved by such order the present appeal is preferred for early release of retiral dues.

We have heard the learned advocates representing the appellant/writ petitioner, the school authorities as well as the State respondents.

Mr. Bhaskar Prasad Vaisya, Additional Government Pleader on instructions submits that objections raised by the District Inspector of School (SE), Paschim Medinipur, have already been complied with by the concerned school authority and at the present moment there is no impediment in releasing retiral dues in favour of the appellant/writ petitioner.

In view of such submission made on behalf of the State respondents in presence of the learned advocate representing the school authority, we do not find any necessity to keep this appeal pending.

We are inclined to dispose of this appeal being MAT 613 of 2021, application being CAN 1 of 2021 and connected writ petition being WPA 7002 of 2021 by directing the District Inspector of School (SE), Paschim Medinipur to settle the retiral dues of the appellant/writ petitioner and forward the pension case of the appellant/writ petitioner to the office of the Director of Pension Provident Fund and Group Insurance within a period of one week from this date. On receipt of such papers the Director of Pension Provident Fund and Group Insurance shall issue pension payment order in favour of the appellant/writ petition within a period of one week thereafter.

We further direct the respondent authorities to take steps so that the retiral dues can be released to the appellant/writ petitioner not later than four weeks from date. The order of the learned Single Bench dated 22nd June, 2021 stands modified.

The appeal being MAT 613 of 2021 and application being CAN 1 of 2021 are disposed of.

In view of disposal of the appeal being MAT 613 of 2021, the writ petition being WPA 7002 of 2021 stands disposed of.

However, there shall be no order as to costs.

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

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)