

55 16.08.2021
SB Ct. No. 24

WPA 11732 of 2021

(VIA VIDEO CONFERENCE)

Smt. Archana Das
Vs.
The State of West Bengal & ORS.

Mr. Narayan Ch. Mondal
Mr. Bhaskar Mondal
Mr. C. Chakraborty ... For the petitioner

Ms. Chaitali Bhattacharyya
Mr. Kartick Chandra Kapas ... For the State

Ms. Tapati Samanta For Respondent No. 3

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

The petitioner retired from the service of Rajpur
Sadharan Pathagar on 30.11.2019. She alleges that she is
yet to receive of her retiral dues.

The learned advocate represents the District Liberty
Officer submits, upon instruction, that due to shortage of
staff the pension paper of the petitioner was not
submitted before the office of the Directorate of Pension,
Provident Fund and Group Insurance, West Bengal in
time. The papers of the petitioner were submitted in the
aforesaid office on 11.03.2020 by Memo No. 074/South
24 Pgs/LS dated 02.03.2020. The Directorate of Pension,
Provident Fund and Group Insurance raised an objection
on 28.07.2020 in connection with the pay fixation of the
petitioner by Memo No. K/RM/L/00077/2020 dated
28.07.2020. After rectification of the objection the pension
papers of the petitioner were resubmitted on 26.03.2021

by Memo No. 598/South 24 Pgs./LS dated 24.03.2021.

Presently the matter is pending at the end of the Directorate of Pension, Provident Fund and Group Insurance.

According to law, an employee is supposed to receive the retiral benefits immediately upon retirement. It appears from the instruction given by the District Library Officer that the employee retired on 30.11.2019 and her papers were forwarded to the Directorate of Provident Fund and Group Insurance on 11.03.2020. The aforesaid delay was allegedly on account of shortage of staff.

In my opinion, the ground mentioned for forwarding the documents of the petitioner after lapse of more than three months of her retirement cannot be excused. Thereafter it appears that objection was raised and intimated to the District Library Officer on 28.07.2020 and the papers were resubmitted only in March 2021. The aforesaid delay again on the part of the respondent authorities cannot be supported under any circumstances.

In view of the above, the instant writ petition is disposed of by directing the concerned department to take immediate steps for releasing the retiral dues of the petitioner, strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of the copy of this order.

As it appears that there has been enough delay on the part of the respondent authorities in processing the

pension papers of the petitioner, accordingly, the respondents will be liable to pay interest to the petitioner @5% per annum calculated on and from the next date of her retirement till the date of actual payment.

The writ petition stands disposed of.

The instruction given by the District Library Officer dated 26.07.2021 to the learned advocate is retained with the records.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)