

Ct. 05
Item No.14
14.09.2021
(suvendu)

WPA 13832 OF 2021

(VIA VIDEO CONFERENCE)

Krishna Mukhopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Sayan De
Mr. Kaustav Shome
Mr. Sayan Kanjilal
.....for the petitioner

Mr. Tapan Kumar Mukherjee
Ms. Tuli Sinha
.....for the State

This is a writ petition at the instance of a retired Assistant Teacher of a Government aided recognised secondary school, who retired from service on 31st December, 2020 on her superannuation.

The grievance voiced on behalf of the writ petitioner is non-payment of retiral dues including pension on the part of the concerned respondent authorities. Such dues also include provident fund dues, which is nothing but the money of the writ petitioner, kept in a separate account in terms of the relevant provisions relating to maintenance of Provident Fund Accounts.

It is submitted that there are certain objections made by the Deputy Director of

Accounts, School Education Department, Paschim Medinipur, respondent no. 6, with regard to processing the case of the writ petitioner and there is an issue relating to sanction of post graduate scale of pay in respect of the writ petitioner.

Mr. De, learned advocate representing the writ petitioner draws attention of this Court to the Memo dated 26th April, 2018 issued by the District Inspector of Schools (SE), Paschim Medinipur, wherefrom it appears that the writ petitioner was allowed post graduate scale of pay with effect from 17th November, 1987 on post facto basis. The writ petitioner prays for release of her pension including retiral dues and provident fund dues.

Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader appears for the State respondents and submits that there are certain objections raised by the respondent no.6 which inhibits the authorities concerned to release the retiral dues of the writ petitioner and those objections are required to be complied with by the concerned respondent authorities. Mr. Mukherjee also submits very candidly that a teacher who retired from service on 31st December, 2020 on her superannuation needs to be paid her retiral dues at an early date.

Such gesture on the part of Mr. Mukherjee is appreciated by this Court.

Considering the submissions made on behalf of the respective parties to this writ petition, the same is disposed of by directing the District Inspector of Schools (SE), Paschim Medinipur to resolve the issue of settlement of retiral dues of the writ petitioner in presence of the writ petitioner, the concerned school authority and the respondent no.6. This Court directs the writ petitioner, Teacher-in-Charge of Bagnabarh High School (HS), District – Paschim Medinipur, as well as Deputy Director of Accounts, School Education Department, respondent no.6, to remain present before the District Inspector of Schools (SE), Paschim Medinipur on 28th September, 2021 at 12 Noon for processing papers of the writ petitioner finally upon complying with the objections raised by the respondent no.6. After settlement of the pension case of the writ petitioner on 28th September, 2021, the District Inspector of Schools (SE), Paschim Medinipur, is directed to forward the pension papers of the writ petitioner to the Director of Pension, Provident Fund and Group Insurance, being the respondent no.3, within a period of seven days thereafter. On receipt of the pension papers, the respondent no. 3 shall issue

Pension Payment Order in favour of the writ petitioner forthwith. However, the respondent authorities are directed to release the provident fund dues to the writ petitioner within a period of fortnight from the date of communication of this order, if the same has not yet been paid.

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

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.)