

17 14.09.2021
rkd Ct.05

W.P.A. 13917 of 2021
(Through Video Conference)

Swarup Kumar Pathak
-vs-
The State of West Bengal & Ors.

Mr. Sayan De,
Mr. Kaustuv Shome,
Mr Sayan Kanjilal

....for the petitioner.

Mr. Manoj Malhotra,
Mr. Pinaki Bhattacharya

....for the State.

Affidavit-of-service filed in Court is taken on
record.

This is a writ petition at the instance of the retired assistant teacher working in a Government aided recognized secondary school who retired on superannuation on 28th February, 2021. Petitioner's grievance is non-payment of retiral dues till date in spite of the fact that the petitioner retired in the month of February, 2021.

Mr. De, learned advocate draws attention of this Court to page 26, Annexure P-5, of the writ petition which contains certain observations made by the Deputy Director of Accounts, School Education Department, Paschim Medinipur, respondent no.6, in the matter of settling the retiral dues of the writ petitioner. According to the writ petitioner, the main ground for not processing the

pension papers of the writ petitioner, is the sanctioning Memo dated 8th June, 1992 approving higher scale of pay in favour of the writ petitioner is devoid of mention of the relevant Government order based on which such sanction was accorded for higher scale of pay. It is contended that postgraduate scale of pay was sanctioned far back with effect from 29th November, 1990 and the objection is raised with regard to the mode of issuance of such sanction memo after retirement of the writ petitioner on 28th February, 2021 in the month of May, 2021. According to the writ petitioner after his superannuation there is no scope left open to the respondent no.6 to raise such objection concerning sanction of higher scale of pay as granted vide Memo dated 8th June, 1992.

Mr. Bhattacharya, learned advocate appears on behalf of the State respondents and submits that there is delay on the part of the concerned school authority in submitting pension papers to the Office of the District Inspector of Schools (S.E.), Paschim Medinipur and submission has been made on 16th July, 2021 and the matter is under process.

This Court has considered the rival submissions made on behalf of the respective

parties and also considered the objection raised by the respondent no.6 in the matter of settling the retiral dues of the writ petitioner. In view of the sanction Memo dated 8th June, 1992, Annexure P-4, whereby higher scale of pay was sanctioned in favour of the writ petitioner far back with effect from 29th November, 1990 therefore, after retirement of the writ petitioner on 28th February, 2021, the respondent no.6 ought not to have raised such objection on certain untenable grounds against sanction of higher scale of pay. Therefore, the pension papers of the writ petitioner needs to be processed immediately since the same had been submitted by the school authority before the District Inspector of Schools (S.E.), Paschim Medinipur.

District Inspector of Schools (S.E.), Paschim Medinipur is directed to finalize the pension case of the writ petitioner and forward the same to the Director of Pension Provident Fund & Group Insurance, being respondent no.3 within a period of eight weeks from the date of communication of this order and on receipt of the same respondent no.3 shall issue pension payment order within a period of four weeks thereafter.

With the above direction, the writ petition

stands disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)