

10<sup>th</sup> November  
2021

**WPA 15470 of 2021**

**(Through Video Conference)**

(8)  
(BD)

Dipali Maiti Bhunia  
-vs-  
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath  
Mr. Sukumar Sarkar  
... for the Petitioner  
Mr. Santanu Kumar Mitra  
... For the State.

The petitioner retired on 31<sup>st</sup> July, 2019 and made an application for General Provident Fund in July 2014 long before her retirement. The petitioner complains of delay of about seven years for the concerned authority for disbursement of pension along with the gratuity and provident Fund etc.

It appears from the submissions made on behalf of the petitioner and the State authorities that the quantum of amount to be refunded to petitioner so assessed by the District Primary School Council on 10<sup>th</sup> September, 2014 and on 15<sup>th</sup> and 17<sup>th</sup> December, 2019. By reason of the delay, the petitioner was constrained to make a representation to the Commissioner of School Education on 11<sup>th</sup> August, 2021 giving all the relevant facts and her grievance of no steps being taken by the authorities even after two years of her retirement. The last document is of 16<sup>th</sup> August, 2021 from the Sub-inspector of School to the petitioner putting the onus of delay on the petitioner.

Having considered the documents on record, this Court is of the view that the delay on the part of the authorities cannot be attributed to the petitioner for any reason whatsoever. If any objection had been raised by any department of the State, that should

have been acted upon with promptitude instead of putting the blame on the petitioner after two years of her retirement.

WPA 15470 of 2021 is disposed of with a direction on the Commissioner of School Education, West Bengal, being the respondent no. 2, to act upon the representation made by the petitioner on 11<sup>th</sup> August, 2021 within three weeks from date. The concerned respondent shall be at liberty of hearing the petitioner and any other necessary person and passing a reasoned decision within four weeks from date and furnish a copy of the same on the petitioner within a week from the date the decision is taken. The concerned authority including the respondent no. 8, being the Assistant Director of Pension, Provident Fund, Gratuity and Group Insurance, West Bengal, shall take immediate steps for disbursing the pension of the petitioner according to her eligibility in accordance with law. The authorities will take into consideration the intervening delay of two years in computing the retirement dues of the petitioner.

The writ petition is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)