

23-09-2021
ct no. 05
Sl. 03
Sayandeep

W.P.A. 24164 of 2019

Abul Kalam Azad

-Versus-

State of West Bengal & Ors.
(Via Video Conference)

Mr. Saikat Banerjee

Ms. Juin Dutta Chakraborty

Mr. Salam Sultana Shah

..... for the petitioner

Mr. Supriyo Chattopadhyay

Mr. Sabyasachi Mondal

..... for the State

Writ petitioner is a retired Assistant Teacher in a Government aided recognized High School, was superannuated with effect from 1st April, 2015. It is further submitted by Mr. Bnaerjee, learned Advocate representing the writ petitioner that he was appointed in the post of assistant teacher on 1st January, 1986 and he enjoyed post graduate scale of pay for possessing master degree for the period from 1st June, 1999 to 31st March, 2015 being the date of his retirement. After retirement of the writ petitioner, the pension sanctioning authority sanctioned pension in favour of the writ petitioner by fixing pension upon consideration of the last pay drawn by the writ petitioner in pass graduate scale of pay ignoring the post graduate scale of pay which writ petitioner enjoyed till the date of his retirement.

The grievance voiced on behalf of the writ petitioner is non-sanctioning of pension in the post graduate scale of pay which petitioner enjoyed till the last date of his service. In this regard, representation has been made by the writ petitioner on 12th September, 2019 addressed to the District Inspector of Schools(SE), Purba Bardhaman, for favourable consideration which is pending before the concerned District Inspector of Schools(SE), respondent No. 3.

Mr. Supriyo Chattopadhyay, learned senior Government advocate appears on behalf of the State respondents and submits that if direction is given upon the State respondent No. 3, the representation of the writ petitioner can be considered in accordance with law.

Considering submissions made on behalf of the respective parties, this Court directs District Inspector of Schools(SE), Purba Bardhaman, respondent No. 3, to take decision on the representation of the writ petitioner dated 12th September, 2019, annexure P-4 to this writ petition within a period of 12 weeks from the date of communication of this order. The respondent No. 3 shall pass a reasoned order and same shall be communicated to the writ petitioner within 2 weeks thereafter. Before taking decision on the representation of the writ petitioner, the respondent

No. 3 is directed to grant opportunity of hearing to the writ petitioner as well as the school authority from where writ petitioner retired on 31st March, 2015.

With the above directions, the writ petition stands disposed of.

There shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)