

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Through Video Conference)

WPA 7817 of 2020

Gopal Chandra Das
Vs.
State of West Bengal & Ors.

Ms. Rimpay Mukherjee
... For the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay
Mr. Gourav Das
... For the respondents no.1, 2, 4 to 6/State

After considering the letters dated 1st June, 2021 and 3rd June, 2021, written by the District Inspector of Schools (Primary Education), South 24-Parganas, being the respondent no.4 and respectively addressed to the Chairman, District Primary School Council, South 24-Parganas, being the respondent no.3 and to the learned State advocate, which have been made over to Court and taken on record, I find that the matter of payment of arrear salary claimed by the petitioner has been forwarded to the authority, i.e., the respondent no.3, being the disbursing authority for his consideration.

Since the petitioner has retired long back and the arrears of salary claimed by the petitioner is for a period prior to 2009, the respondent no.3 shall, within a fortnight from date, take a decision regarding payment of arrear salary to the petitioner as indicated in the letters

dated 1st June, 2021 and 3rd June, 2021. In the event, the respondent no.3 decides in favour of paying the arrear salary to the petitioner, he should recommend for immediate disbursement. The disbursement, in such event, shall be made within a period of six weeks from date.

In the event, the respondent no.3 decides that the petitioner is not entitled to the arrear salary, the petitioner shall be given an opportunity of hearing and the respondent no.3 shall pass a reasoned order clearly stating the grounds on which the arrear salary claimed by the petitioner is not payable. The respondent no.3 shall, in that event, conclude the hearing and pass a reasoned order within a period of six weeks from date and shall communicate such order, that may be passed, within seven days therefrom.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)