

13/04/2021
Item No.21
Court No.6.
S. DE

Through Video Conference

W.P.A. 9101 of 2020

Tarak Nath Mondal.

Versus

The State of West Bengal & Ors.

Mr. Shamim-Ul-Bari
Ms. Molly Saha
...for the petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Gourav Das ...for D.P.S.C. 24-Parganas(S).

Mr. Supriyo Chattopadhyay
Mr. Sagnik Chatterjee ...for the State.

Leave is granted to the petitioner to add the Director of Pension, Provident Fund and Group Insurance as a party respondent in the writ petition.

Let the cause title of the writ petition be amended appropriately by learned advocate for the petitioner.

Affidavit-of-Service filed in Court be kept with the record.

The petitioner was the headmaster of a primary school. Previously, he had to approach this Court twice for different reasons which may not be relevant presently. The fact remains that he retired from service upon reaching the age of superannuation on

November 30, 2020. The grievance of the petitioner is that his pension papers have not been finalized and consequently, he is not receiving the pension and other retiral benefits.

On June 24, 2019 the petitioner, through his learned advocate had made a representation (annexure P-12 to the writ petition) addressed to the Chairman, District Primary School Council, South 24-Parganas regarding his claim for two increments as also for arrear salary. Such representation has not yet been disposed of. I think it is necessary for such representation to be decided before the pension papers of the petitioner can be finalized.

Accordingly, after hearing learned counsel for all the parties, I direct the respondent no.5 being the Chairman of the District Primary School Council, South 24-Parganas to take a reasoned decision on the petitioner's representation dated June 24, 2019 made through his learned advocate, in accordance with law and the applicable rules / regulations /circulars/ notifications within a period of four weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the petitioner or his authorized representative. The decision taken by the respondent no.5 shall be communicated to the petitioner within a week from the date of the decision.

Needless to say, whether the petitioner's claim for increment succeeds or not, the respondent authorities shall proceed to finalize the petitioner's pension papers immediately thereafter so that the petitioner receives his pension and other admissible retiral benefits latest within three months from date.

I have not gone into the merits of the petitioner's claim. The respondent no.5 shall take an informed decision, in accordance with law.

The respondent no.5, the concerned D.I. of Schools and the added respondent being the Director of Pension Provident Fund and Group Insurance shall perform their respective duties for finalization and disbursement of the petitioner's pension.

Since no affidavit-in-opposition has been invited, the allegations contained in the writ petition are deemed not to be admitted.

W.P.A. 9101 of 2020 is, accordingly, disposed of.

There will be no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

[Arijit Banerjee, J.]