

04.01.2021
N. 2251
Sl. 15
151/25
Gt. CL
(S.R.)
via video
conference

W. P.A. No.9726 of 2020
Chanchal Kumar Sannigrahi
v.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Siddhartha Sankar Mondal ... for the petitioner.

Ms. Chaitali Bhattacharya ... for the State.

The present writ petition has been preferred challenging *inter alia* the inaction on the part of the respondents to disburse the pensionary benefits of the petitioner.

Mr. Bari, learned advocate appearing for the petitioner submits that the petitioner was initially appointed to the post of an assistant teacher in Dhaban Netaji Vidyapith (High) School with effect from 24th January, 1984. Such appointment was approved by the respondent no.3 *vide* memo dated 27th July, 1984 recording the petitioner's qualification as Bachelor of Science and Bachelor of Physical Education. Thereafter, the petitioner was transferred to Kantore Mahadeb High School (H.S.) on 20th December, 2014 and such appointment was also approved by the respondent no.3 *vide* memo dated 7th July, 2015. In the midst thereof, the petitioner was granted post graduate scale of pay and increments commensurate with his qualification. The ultimately retired from the concerned post on 28th February, 2019. Prior thereto, he submitted all relevant documents to the competent authority for disbursement of

his pensionary benefits. The pension papers were thereafter forwarded to the respondent no.10. By a memo dated 13th December, 2018, the said respondent raised certain objections pertaining to the petitioner's claim for pensionary benefits. A copy of the said memo has been annexed at pages 39 to 41 of the writ petition.

Mr. Bari submits that the objections as raised are not sustainable and the respondents are intending to recover an amount from the petitioner's pensionary benefits on the basis of the purported objections. After retirement the respondents cannot claim refund of any amount already approved, sanctioned and disbursed in favour of the petitioner.

Ms. Bhattacharya, learned advocate appearing for the State respondents submits that appropriate explanation has not been furnished by the petitioner and the school authorities pertaining to the objections, as raised by the respondent no.10.

Under the Pension Scheme the respondents are under an obligation to settle the claim towards pensionary benefits and to start disbursement of pension immediately after the teacher's retirement. The respondent no.3 is the authority competent under the Pension Scheme to decide as to whether the objections, as raised by the respondent no.10, are sustainable.

In view thereof, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue towards settlement of the petitioner's claim for

pensionary benefits needs to be relegated to the pension sanctioning authority being the respondent no.3.

Accordingly, this Court directs the respondent no.3 to consider the objections, as raised by the respondent no.10 *vide* memo dated 13th December, 2018 annexed at pages 39 to 41 of the writ petition, upon granting an opportunity of hearing to the petitioner and the school authorities and to cure the defects and transmit the pension papers to the respondent nos.8 & 10, within a period of four weeks from the date of communication of this order.

The respondent nos. 8,9 and 10 shall take all follow up steps so that the pensionary benefits can be disbursed forthwith.

The respondent no.3 is also directed to supervise the process of release of the pensionary benefits by suitably advising the school as well as the petitioner.

It is made clear that on the date scheduled for hearing the school authorities shall appear before the respondent no.3 and produce all relevant records so that the dispute can be resolved.

With the above observations and directions, the writ application is disposed of.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Tapabrata Chakraborty, J.)

