

05.01.2021

Ct. No. 24

Item No. 34

pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA No. 9874 of 2020

Jayanta Mistry

-vs-

Union of India & Ors.

Mr. K. B. S. Mahapatra,
Mrs. Rama Halдар for the petitioner

Mr. Bhudeb Chatterjee,
Mr. Rajen Dutta for the respondents

The petitioner retired from service of CISF on attaining his normal age of superannuation on 30th April 2020. His grievance is that his retiral dues have not been disbursed in his favour till date.

It appears from records that the retiral dues of the petitioner could not be cleared by the department in view of his non-submission of the relevant documents. The documents which the respondent authorities required are a copy of the joint savings account pass book and latest joint passport size photographs.

The petitioner submits that in view of the matrimonial dispute between the petitioner and his wife, he is facing difficulty in opening a joint savings account and it is only because of this dispute the joint passport size photographs also cannot be taken.

The petitioner relies upon Form 5 in connection with Rules 51(1)(c) and 61 (1) of the CCS (Commutation

of Pension) Rules, 1981 which mentions that in case the Head of Office is satisfied that it is not possible for the retiring Government servant to open a joint account for reasons beyond his control, the requirement of providing the joint account may be relaxed. The petitioner also relies upon the provision of law where provisional pension may be paid in cases where pension and gratuity cannot be settled.

The learned advocate representing the respondents submits that the retiral dues of the petitioner could not be cleared in view of non-submission of the required documents. It has further been submitted that the petitioner never applied before the respondent authorities praying for relaxation of the conditions required for disbursal of his retiral dues.

From the documents annexed to the writ petition it does not appear that the petitioner ever applied before the authority praying for relaxation of the condition which is standing in the way of disbursal of his retiral dues.

Accordingly, the instant writ application is disposed of by giving an opportunity to the petitioner to make a formal application before the concerned respondents along with all supporting documents praying for relaxation as available in law. In the event, such an application is made by the petitioner, the same shall be considered by the appropriate authority strictly in

accordance with law within a period of four weeks from the date of receiving the application.

WPA 9874 of 2020 is thus disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)