

04.01.2021

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Court No.25
Video Conference

W.P.A. No. 10771 of 2020

Malay Kumar Saha

- Versus -

The State of West Bengal & Others

Mr. Biswajit De

... for the petitioner.

Mr. Supriyo Chattopadhyay,

Ms. Iti Dutta

... for the State respondents.

Mr. Siddhartha Sarkar,

Mr. Hirak Roy

... for the respondent no.5.

Affidavit of service filed by the petitioner be kept on record. As no one appears on behalf of the State respondents, this Court requests Mr. Supriyo Chattopadhyay, learned advocate, to appear on behalf of the State respondents. Let such engagement of Mr. Chattopadhyay be regularised with a junior of his choice.

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

Mr. De, learned advocate appearing for the petitioner submits that the petitioner retired from the post of assistant teacher in Nandanpur High School (H.S.) [in short, the said school] on 31st December, 2019. Prior thereto, the petitioner submitted hard copies of the pension papers to the

respondent no.4 by letter dated 22nd April, 2019. Necessary documents were also uploaded on 1st February, 2019. As no steps were taken thereafter by the State authorities, the petitioner submitted a representation to the respondent no.4 on 30th August, 2019. Just prior to his retirement, the Assistant Director, Pension, Provident Fund and Group Insurance by a memo dated 28th November, 2019 advised the petitioner to approach the pension sanctioning authority, being the respondent no.4. Accordingly, the petitioner submitted a representation to the said respondent no.4 on 10th December, 2019. By a memo dated 26th December, 2019, the respondent no. 4 instructed the petitioner to contact the school authorities for compliance of the observations of the Directorate of Accounts. Thereafter, the respondent no.5 by a letter dated 7th January, 2020 intimated the respondent no.4 that replies to all the objections, as raised by the Directorate of Pension, have already been furnished by the school authorities.

Mr. De submits that under the pension scheme the authorities are under obligation to settle the claim for pension and to start disbursement of the pension immediately after the teacher's retirement. Appropriate steps have not

been taken by the authorities and the petitioner's claim has been illegally kept in abeyance. Aggrieved thereby, the petitioner has approached this Court.

Mr. De further submits that the objections as raised by the respondent nos.2 & 3 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.

Mr. Sarkar, learned advocate appears on behalf of the respondent no.5 and submits that all the objections, as raised from the office of the respondent no.2, have been replied to, as would be explicit from the letter dated 7th January, 2020, issued by the respondent no.5.

The respondent no.4 is the authority competent under the Pension Scheme to decide as to whether the objections, as raised by the respondent nos.2 & 3, 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.4.

Accordingly, this Court directs the respondent no.4 to consider the objections, as raised by the respondent nos.2 & 3 to which replies have already been furnished by the school authorities, as would be explicit from the letter dated 7th January, 2020, issued by the respondent no.5, 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 no.2, within a period of four weeks from the date of communication of this order.

The respondent nos. 2 & 3 shall take all necessary follow up steps so that the pensionary benefits can be disbursed forthwith.

The respondent no.4 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.4 and produce all relevant records so that the dispute can be resolved.

With the above observations and directions the writ petition is disposed of.

There shall, however, be no order as to costs.

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

(Tapabrata Chakraborty, J.)