

22-09-2021
ct no. 05
Sl. 03
Sayandeep

W.P.A. 11525 of 2020
Bandana Roychoudhury
-Versus-

State of West Bengal & Ors.
(Via Video Conference)

Mr. Snehatosh Majumder
Mr. Sattwik Majumder

..... for the petitioner

Mr. Malay Kumar Singh
Mr. Sk. Md. Majhd

..... for the State

Writ petitioner was a Head Teacher in a Primary School under the jurisdiction of Sub-Inspector of Schools Sonarpur Circle, South 24 parganas and she was superannuated on 31st May, 2019. After the superannuation, the concerned respondent authorities settled the pension case of the writ petitioner and ultimately issued pension payment order vide memo dated 8th July, 2019. The grievance has been voiced on behalf of the writ petitioner is that in spite of issuance of pension payment order dated 8th July, 2019, the retiral dues including provident fund has not been released in favour of the writ petitioner. Petitioner prays for expeditious disbursal of retiral dues in her favour. It is submitted on behalf of the writ petitioner that the writ petitioner has already submitted all the necessary documents on 25th January, 2021 before

the concerned authority but the same is denied by Mr. Malay Kumar Singh, learned advocate appearing for the State.

Mr. Singh, representing the State respondents and the concerned Sub-Inspector of Schools, Sonarpur Circle, South 24 Parganas and on instruction, submits before this Court that in terms of the relevant provisions of the DCRB Scheme, 1981, there is a requirement of issuance of No Liability Certificate by the concerned respondent authority and which could not be issued due to non-submission of relevant documents by the writ petitioner being the Head Teacher of a primary school after her retirement and the disbursal of retiral dues, pursuant to the pension payment order dated 8th July, 2019, is kept pending due to non-issuance no liability certificate *qua* failure to submit the document which were in possession of the writ petitioner while she was serving as Head Teacher of a primary school.

This Court has considered the rival submissions of the respective parties to this writ petition and finds that since pension payment order has already been issued on 8th July, 2019, the retiral dues needs to be released in favour of the writ petitioner upon compliance of necessary formalities including issuance of no liability certificate by the appropriate authority after submission and handing

over of relevant documents by the writ petitioner. This formality can very well be completed by the District Inspector of Schools(P.E.), South 24 Parganas on a particular date upon asking the writ petitioner as well as the Sub-Inspector of Schools, Sonarpur Circle and the teacher-in-charge of Tetulberia Niharkona F.P. School to remain present before him for completing the aforementioned formalities. The District Inspector of Schools(P.E.), South 24 Parganas, respondent No. 2 is directed to ask the writ petitioner as well as the Sub-inspector of Schools, Sonarpur Circle and Teacher-in-Charge, Tetulberia Niharkona F.P. School to attend his office on 1st October, 2021 at 12 noon for completing the formalities in presence of the writ petitioner and the respondent No. 3 and respondent No. 7 and pass necessary direction for disbursal of retiral dues in favour of the writ petitioner. The respondent Nos. 3 and 7 as well as writ petitioner are directed to co-operate with The District Inspector of Schools(P.E.), South 24 Parganas in resolving the matter for disbursal of retiral dues to the writ petitioner.

With the above directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

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

(Saugata Bhattacharyya, J.)