

28-01-2021
ct no. 13
Sl.41
sp

WPA 11731 of 2020

Himadri Sekhar Dutta

-Versus-

Union of India & Ors.
(Via Video Conference)

**Mr. Jakir Hossain,
Mr. Shahan Shah**

.... for the petitioner

Affidavit of service filed by the petitioner in Court today be kept with the record.

Despite service of notice pursuant to an order of this Court dated January 19, 2021, the respondents are not represented.

The petitioner superannuated on May 31, 2018 from the service of the Garrison Engineer (Alipore) Military Engineer Service under the AE (Civil), AGE 'T' No. 1, National Library Avenue, Alipore, Kolkata – 27. For the purpose of pension and gratuity, he claims to have submitted papers as required by the Garrison Engineer. However, a dispute arose with regard to the name of the petitioner's wife that is recorded as Jhili Dutta in all documents as opposed to the name Sikha Dutta recorded in the service book of the petitioner. By a

communication dated August 3, 2019, the Garrison Engineer addressed a letter to the Officer-in-Charge, Zinzira Bazar Police Station for investigation into the name of the actual wife of the petitioner. The petitioner claims that the report of the police supports his case that Jhili Dutta and Sikha Dutta are one and the same person. He claims to have resubmitted his papers for pension by a communication dated November 27, 2020 and that pension is yet to be released.

In those circumstances, the respondent no. 2 shall consider the petitioner's representation dated November 27, 2020 and dispose of the same in accordance with law as expeditiously as possible preferably within a period of two months from the date of receipt of a copy of this order. If all papers submitted by the petitioner are in order and the police report is in accordance with the claims made by the petitioner in the letter dated November 23, 2020 being Annexure-P/3 to the writ application, the petitioner's pension will be released immediately thereafter.

In the event, any discrepancy is found in the petitioner's pension papers, the same may be communicated to the petitioner within a

period of 15 days from the date of receipt of the copy of this order.

With the aforesaid directions, the instant writ petition is disposed of.

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

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

(Rajasekhar Mantha, J.)