

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

WPA 662 of 2020

Indrani Choudhury
-versus-
State of West Bengal & Ors.

Mr. Debajit Kundu
...For the petitioner

Mr. Bikramaditya Ghosh
... For the State

The prayer of the petitioner is for direction on the Director of Pension, Provident Fund and Group Insurance, Uttar Kanya, Silliguri to forthwith issue the Pension Payment Order in favour of the petitioner and disburse the retiral benefits to the petitioner with interest for the delayed period. The petitioner was appointed as a Group D staff in a primary school at Jalpaiguri and was transferred to another school under the control of Jalpaiguri District Primary School Council with effect from 13th January, 1979. The petitioner's pay scale was approved and revised from time to time by the concerned authorities without raising any dispute. The petitioner retired from service on 31st January, 2018 and made a request for releasing her retirement benefits through her lawyer by a letter dated 17th February, 2020. The petitioner's request has not been acceded to till date.

Learned counsel appearing for the State submits that the copy of the writ petition could not be located in their records.

On hearing learned counsel appearing for the parties, this Court is of the view that there can be no conceivable ground for delay in issuing the Pension Payment Order by the State authorities which is the first step in releasing the retirement benefits to any person who is served a school under the control of the State. The letter dated 17th February, 2020 addressed to the Director of Pension, Provident Fund and Group Insurance at Calcutta office as well as to its office at Uttar Kanya, Silliguri and also to the District Inspector of Schools (P.E.) and Sub-inspector of Schools (P.E.), Jalpaiguri makes it clear that the petitioner has already furnished the requisite documents to the authorities for releasing her retrial benefits. The letter also states that the service of the petitioner was approved and the petitioner was drawing salary as admissible under ROPA without any dispute being raised by the authorities. A communication dated 28th February, 2020 from the office of the District Inspector of Schools, Primary Education, Jalpaiguri to the petitioner with a copy to the concerned respondents states that the petitioner's pension file has already resubmitted to the DDA, Jalpaiguri after complying with the observations

made by the DPPG, Uttar Kanya on 19th February, 2020.

In view of the above facts, it is indeed unfortunate that the petitioner, who retired on 31st January, 2018, has been made to wait all this while without even being issuing Pension Payment Order. The document shows utter inaction and laches on the part of the concerned authorities and there can be no excuse whatsoever for failing to reply to the letter written on behalf of the petitioner on 17th February, 2020. Being satisfied of the case made out by the petitioner, WPA 662 of 2020 is disposed of with a direction on the respondent no.2, namely the Director of Pension, Provident Fund and Group Insurance, Uttar Kanya, Siliguri to issue the Pension Payment Order in favour of the petitioner within four weeks from today. It is also made clear that upon the concerned authority's finding that the petitioner is entitled to her post retiral benefits including pension, the respondent no.2 shall take immediate steps to release the retiral benefits to which the petitioner is entitled under the law within a further period of three weeks from the date on which the Pension Payment Order is issued in favour of the petitioner.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be given to the parties on usual undertaking.

(Moushumi Bhattacharya, J.)