

19. 04. 2022

BP
Sl. 119
Court No. 17

WPA 2181 of 2022

Jagabandhu Nayak
Vs.
The State of West Bengal & Ors.

Ms. Debolina Sarkar
Mr. Sandipan Das
..for the petitioner.
Mr. Atarup Banerjee
Mr. Samit Bhanja
..for the School.

Affidavit of service filed in court today be kept on record.

The petitioner's grievance is that though he has retired from service on 31st January, 2020, his pension papers have not been prepared and sent by the school to the District Inspector of Schools and that is why he is being deprived of his pension for more than two years.

On the other hand, Mr. Atarup Banerjee, learned advocate for the school has submitted that the Headmaster of the school has taken all steps and he has shown a bunch of papers to me for the satisfaction of the court that every paper in respect of the petitioner is kept ready for sending it to the concerned District Inspector of Schools but there is a controversy relating to the date of birth of the petitioner.

Drawing my attention at page 72 of the writ application under the heading Other Documents (Attested Photo Copies) Enclosed serial number 2 thereunder, it has been shown 'Copy of Testimonials in support of the date of birth and academic attainments'.

Mr. Banerjee submits that there is no document of date of birth that is why the petitioner's papers could not be sent to the concerned DI of Schools. However, in reply to a question of this court, Mr. Banerjee has shown one school certificate which is a transfer certificate from one Sarada Charan Aryan Institution which says that the petitioner was a student of that school and his date of birth as recorded in the admission register was 2.1.1960.

Nobody is denying that on the basis of this date of birth the petitioner has already retired. Nobody has also denied that the petitioner worked in the school as a group D staff for the last 35 years or so. Therefore, I do not find any impediment for the school to treat this transfer certificate containing the date of birth of the petitioner as 2. 1.1960 as a testimonial in support of the date of birth. The serial no.2 under the heading stated above speaks about 'Copy of Testimonials'.

Learned advocate for the school has produced a copy of the transfer certificate so there is no need under

the comprehensive forms at pages 71 and 72 of the writ application that the original of this transfer certificate is to be produced. In my view, the original of this transfer certificate is not required now as it is admitted that the petitioner has worked in the school for 35 years or so. He has been superannuated on the basis of this date of birth recorded in the copy of the transfer certificate.

Hence, I direct that on the basis of this transfer certificate containing date of birth of the petitioner all papers must be sent to the concerned DI by 26th April, 2022 and the DI is granted four weeks time to process the entire documents; if there is any confusion relating to any document or filling up of form or any other defect the DI shall have the authority to call a meeting in his office with the petitioner and the appropriate representative of the school for removing all such defects. If such meeting is not necessary there is no question of calling such meeting. The pension papers will be sent by the DI to the Director of Pension Provident Fund and Group Insurance within a period of four weeks from the date of receipt of the papers relating to pension of the petitioner from the school and the Director of Pension Provident Fund and Group Insurance is directed to take steps within a period of six weeks from the date of receipt of the pension papers

from the DI so that pension payment order can be issued to the petitioner by six weeks. If the DPPG finds that there is any question in respect of the papers for payment of pension he will intimate it to the DI and DI shall have the liberty to call meeting again of the parties as has been indicated above to remove such defects. The petitioner is directed to cooperate fully in all the meetings with the DI and it is expected that the Headmaster of the school will also cooperate fully with the DI and also with the petitioner.

This court expects that after serving the school for 35 years or so it is the duty of the teachers of the school including the Headmaster to see that the superannuated staff is not harassed so that he cannot get his pension rather the opposite should be done, that the school will cooperate and help him so that he can get his pension as soon as possible and within the time frame given above.

A copy of the transfer certificate handed over by the learned advocate for the school is kept on record.

With the above observation and direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

