

Court No. 22
29.11.2022
(Item No. 35)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 2685 of 2022

Goutam Kumar Ghosh.
VS
The State of West Bengal & Ors.

Mr. Mainak Ganguly
Mr. Shankar Mukherjee
..... for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
..... for the State

Two affidavits of service filed today in Court,
are taken on record.

The petitioner is a retired **Headmaster** of one **Khandi Bandh K. M. High School (H.S.), District – Paschim Nedinipore**. The petitioner claims that he is eligible to receive all his retiral benefits including arrears in terms of ROPA – 2006 particularly on account of Grade Pay and an additional increment. After superannuation of the petitioner he had received the pensionary benefit but not which he had claimed. There was a previous round of writ litigation filed by the writ petitioner. In that writ petition an order was passed in favour of the petitioner however that is not the issue involved in this writ petition today.

Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader appears for the State.

After considering the submissions made on behalf of the writ petitioner and the State and upon

perusal of the materials on record, it appears to this Court that, the issue involved in this writ petition first need to be addressed by the appropriate State authority on the basis of the relevant records, papers and documents as well as the appropriate Rules under which the petitioner is governed.

In view of the above, the writ petitioner will be at liberty to submit a comprehensive representation before the respondent No. 2 in the light of the case made out in this writ petition within a period of two weeks from date.

In the event, such representation is made, the respondent No. 2 shall give at least seven days prior hearing notice to the petitioner and the respondent No. 7 and after giving them an opportunity of hearing shall pass its reasoned decision/order on the issue.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 2 within a period of eight weeks from the date of receiving such comprehensive representation from the petitioner. The respondent No. 2 then shall communicate his reasoned decision/order to the petitioner and the respondent No. 7 within a further period of two weeks from the date of the said reasoned decision/order to be passed.

In the event, this order goes in favour of the petitioner, then the respondent No. 5 shall take all consequential steps within a period of four weeks from

the date of communication of the reasoned order to him by the petitioner and following steps and consequential steps shall be taken by the relevant State authority immediately thereupon.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner. The petitioner shall be at liberty to urge all the points whatever he wishes to rely upon and whatever documents and records it wishes to rely upon before the respondent No. 2. The respondent No. 7 shall render all co-operation to the respondent No. 2 without any delay.

Since affidavits are not called for the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 2685 of 2022** stands disposed of.

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

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)