

40
23.03.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 2900 of 2022

**Usharani Batabyal
-versus
State of West Bengal & Ors.**

**Mr. Bidhan Biswas.
...For the Petitioner.**

**Mr. Pinaki Dhoke,
Mr. Avishek Prasad.
...For the State.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Gourav Das.
...For the DPSC.**

The claim for release of terminal benefits of the widow of a primary school teacher was held up due to inaction on the part of the Chairman, South 24-Parganas, District Primary School Council.

It appears that the District Inspector of Schools (P.E.), South 24-Parganas by a communication dated 14th March, 2019 requested the Chairman of the Council to furnish the calculation sheet regarding employer's share of CPF with accrued interest duly authenticated by the Competent Authority for processing the family pension case of the petitioner. No action was taken by the Chairman of the Council.

After the matter travelled to the Court an order was passed on 16th March, 2022.

Today instruction has been received from the learned advocate appearing for the South 24-Parganas, District Primary School Council that the CPF calculation sheet for employer's share of late Jitendra Nath Batabyal, Ex. Assistant Teacher of Baribhangabat Junior Basic School has been prepared and sent to the District Inspector of Schools (P.E.) on 10th March, 2022 for further proceeding. A copy of the calculation sheet has been annexed with the said communication.

The inaction and thereafter delayed action on the part of the concerned Chairman, South 24-Parganas, District Primary School Council cannot be appreciated by the Court and is strongly deprecated. The Council ought to have taken a proactive role in the matter as the same relates to disbursement of pensionary benefit in respect of a deceased primary school teacher. Had the Council acted at the right time, there would not have been an occasion for the petitioner to knock the doors of justice.

It is only after the writ petition was filed by the petitioner, the present Chairman of the Council forwarded the documents to the District Inspector of Schools (P.E.).

Learned advocate appearing for the District Inspector of Schools (P.E.), South 24-Parganas submits, upon instructions, that the documents of the petitioner has been received from the office of the District Primary School Council and will be forwarded to the office of the Director, Pension, Provident Fund and Group Insurance within a week hereof.

As it appears that the papers and the required documents have presently been forwarded to the

District Inspector of Schools (P.E.), accordingly, the instant writ petition is disposed of by directing the District Inspector of Schools (P.E.), South 24 Parganas to take necessary follow up action to ensure that the petitioner receives her due entitlement at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The Commissioner of School Education, Government of West Bengal, the respondent No.2 herein is directed to take appropriate steps against concerned erring Chairman of the South 24-Parganas, District Primary School Council for whose inaction there has been a delay in processing the pension file of the deceased teacher.

The writ petition stands disposed of.

The instruction given by the Chairman of the South 24-Parganas, District Primary School Council dated 16th March, 2022 is retained with the records.

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

(Amrita Sinha, J.)