

92. 19.05.2022
BD Ct.15

W.P.A. 982 of 2016

Sabita Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee
... for the petitioner.

Mr. Malay Krishna De
Mr. Arunava Maiti
... for the State

In spite of notice no one appears on behalf of the Berhampore Municipality and Mission Director, Paschimbanga Rajya Sishu Siksha Mission, being the respondent no. 2. Affidavit of service filed in Court today is taken on record.

The writ petition relates to right of the petitioner to continue as Sahayika in a Sishu Siksha Kendra in the district of Murshidabad under the concerned authority of Berhampore Municipality.

The grievance of the petitioner is she was compelled to retire on attaining age of 60 years on 31st October, 2015 though based on the Government Order dated 28th August, 2009 it has been contended that petitioner could continue till the age of 65 years. It has further been submitted that in violation of such Government Order dated

28th August, 2009 petitioner was illegally not allowed to continue on attaining the age of 60 years. It has also been submitted that in the meantime petitioner has also crossed the age of 65 years. However, it has been prayed for that the benefits which would have been accorded in favour of the petitioner had she continued till the age of 65 years should have been granted to her and in addition thereto in terms of paragraph 2 of the Government Order dated 23rd April, 2010 issued on behalf of the Department of Panchayats & Rural Development, she is also entitled to receive lump sum amount on her retirement which has not been paid in her favour.

State respondents are represented by Mr. Malay Krishna De, learned advocate.

Considering the submission made on behalf of the petitioner since the representation has been made to the Chairman, Berhampore Municipality this Court directs the Chairman, Berhampore Municipality being the respondent no. 4, to take a decision on the representation of the petitioner dated 4th January, 2016 and to decide entitlement of the petitioner to receive lump sum amount in terms of the Government Order dated 23rd April, 2010 as well as if any other benefit can be extended

to the petitioner since she was not permitted to continue to discharge her duties as Sahayika beyond the age of 60 years, in accordance with law.

The Chairman, Berhampore Municipality, being the respondent no. 4 is directed to pass a reasoned order after granting an opportunity of hearing to the petitioner within a period of 12 weeks from the date of communication of this order. The decision to be taken by the respondent no. 4 shall be communicated to the petitioner within one week thereafter.

With the above direction the writ petition stands disposed of. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)