

S/L 8
09.03.2022
Court. No. 19
GB

W.P.A. 4231 of 2021

Binapani Ghosh
VS
The State of West Bengal & Ors.

*Mr. Sujit Kumar Rath,
Mr. Sukumar Sarkar.*

...for the Petitioner.

*Mr. Rajarshi Basu,
Mr. S.T. Mina.*

...for the State.

*Mr. Himadri Sikhar Chakraborty,
Ms. Debdooti Dutta.*

...for the Municipality.

The petitioner was a teacher in a primary school, administered and controlled by Raiganj Municipality. The petitioner retired from service on May 31, 2016. The retirement benefits have not been paid.

Records reveal that the petitioner was engaged on temporary basis. It is the contention of the petitioner that the temporary school teachers were also entitled to pension and other retirement benefits as per the Death cum Retirement Benefits Scheme applicable to municipal employees.

Mr. Chakraborty, learned advocate appearing on behalf of the Raiganj Municipality, submits that the municipality will forward the service book and other related papers of the petitioner, with their comments to the Director of Local Bodies, Government of West Bengal, respondent no.2 herein. Hence, it is directed that the Raiganj municipality will forward all the papers relating to the

service of the petitioner to the Director of local bodies within a period of three weeks. Once the papers are forwarded to the respondent no.2 by the Raiganj Municipality, the respondent no.2 shall take a reasoned decision upon considering the case records and also upon taking into consideration the provisions of the West Bengal Municipal Employees (Death cum Retirement Benefits Scheme), which shall be relied upon by the petitioner at the time of hearing. The respondent no.2 shall call the petitioner and the municipal authorities for a hearing upon receipt of the documents from the Raiganj Municipality with the comments of the municipality and the entire issue shall be disposed of by a reasoned order. The said order shall be communicated to the petitioner and the entire exercise shall be completed within a period of two months from the date of receipt of the documents from the municipality.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocates' communication.

(Shampa Sarkar, J.)