

WPA 3367 of 2020
(Via Video Conference)

Kali Kinkar Mondal
Vs.
The State of West Bengal & Ors.

Sk. Rejaul Alam
..for the Petitioner

Mr. D.K. Sengupta
Ms. Sweta Saha
Mrs. Jaya Datta
..for the Respondent No. 7

Mr. Baidurya Ghosal
..for the Respondent No. 8

Mr. Subrata Bhattacharyya
Mr. Santu Das Adhikary
...for the Respondent nos. 5 & 6

Mr. Susanta Pal
Mr. Pinaki Bhattacharyya
...for the State

The writ petition is finally heard today in presence of the learned advocates representing the parties. Pursuant to the previous order passed by this Court the District Inspector of Schools (S.E.), Purba Medinipur being the respondent no. 4 prepared a statement indicating the sums which are found to be payable towards retiral dues of the petitioner including provident fund.

Indisputably petitioner has two outstanding loans lying in his name one in Tamluk Ghatal Central Cooperative Bank Limited and another in Bangiya Gramin Vikash Bank. Till date those loan accounts have

not been closed upon repaying the dues and on hearing the learned advocates appearing for the parties this Court finds it necessary to give directions to the concerned respondents for remittance of the amounts to these two bank authorities for closure of loan accounts, before releasing retiral dues to the petitioner.

Since entire calculation is complete relating to settlement of retiral dues of the petitioner as it emanates from the report prepared by the respondent no. 4 dated 3rd March, 2022 now it appears that there is no impediment in releasing the retiral dues in favour of the petitioner on repaying the loans.

This Court directs the respondent no. 4 and the concerned Treasury Officer to take necessary steps forthwith for remitting Rs. 4,05,000/- (rupees four lakh five thousand only) to the Tamluk Ghatal Central Cooperative Bank Limited as well as Rs. 4,20,000/- (rupees four lakh twenty thousand only) to the Bangiya Gramin Vikash Bank, Iswarpur Branch, District- Purba Medinipur within 2 (two) weeks from date and upon remittance of such amounts these two loan accounts lying in the name of the petitioner in two different banks shall stand closed. In this regard these two bank authorities as aforesaid are directed to complete the necessary formalities for closure of loan accounts by sending intimations to the respondent no. 4 within 72 (seventy two) hours from the date of remittance of the sums in favour of these two bank authorities.

Upon closure of these two bank loan accounts and after receipt of intimations from bank authorities the

respondent no. 4 and the concerned Treasure Officer shall release the rest of the entire retiral dues to the petitioner within a period of fortnight thereafter if necessary, upon issuance of Pension Payment Order by the Director of Pension, Provident Fund and Group Insurance, West Bengal.

Above directions are given based on submission made on behalf of the learned advocates representing the writ petitioner and the bank authorities on agreement that outstanding loan accounts can be closed upon making payment from the retiral dues of the petitioner.

Since, it appears that for closure of two loan accounts remittance of sums can be made from the amount payable to the petitioner towards arrear pension, gratuity and commuted value of pension there is no need to withhold payment of provident fund dues payable to the petitioner and accordingly the concerned school authority being the respondent nos. 5 & 6 are directed to release the provident fund dues in favour of the petitioner within fortnight from this date.

With the above direction, 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 on compliance of requisite formalities.

(Saugata Bhattacharyya, J.)