

24.06.2022.
Court No.13
Item No. 83
ap

W.P.A. No. 5155 of 2021

**Krishna Roy
Versus
The State of West Bengal & Ors.**

Mr. Rudra Jyoti Bhattacharjee,
Ms. Debjani Ghosal.

...For the petitioner.

Mr. Susanta Pal,
Ms. Ananya Neogi.

...For the State.

Mr. Samim Ahammed,
Ms. Ambiya Khatun.

...For the respondent no.5.

Counsel for the State admits that the entitlement of the writ petitioner for salary and allowances is from 1st January, 2015 till 28th February, 2017. The amount has already been allotted by the Joint Director of Accounts and the Commissioner of School Education. The amount shall be transmitted immediately, directly to the account of the writ petitioner, within a week from date.

It appears from the record that a sum of Rs.1528594 has been sanctioned and allotted by the Directorate of School Education, Government of West Bengal, towards the arrear claim of the petitioner, in favour of the District Inspector of Schools (SE), Hooghly, to be paid to Smt. Krishna Roy Ghosh, Assistant Teacher of Prabartak Nari Mandir, Hooghly on 22nd June, 2022. The payment has been made

pursuant to the order of a Co-ordinate Bench of this Court on 11th April, 2016 passed in W.P. No. 10693 (W) of 2015. The Additional District Inspector of Schools (SE), Hooghly confirmed receipt of the money on 22nd June, 2022. A net amount of Rs.1442794/- is due and payable to the petitioner and the Additional District Inspector of Schools (SE), Hooghly shall, within seven days from the receipt of that amount, transmit the said amount together with interest at the rate of 9% per annum to the petitioner. Interest of 9% shall be calculated on the gross amount of Rs.1528594/-. The interest component shall be paid out of the funds available with the District Inspector of Schools (SE), CGR.

The sum representing 9% interest paid to the petitioner shall be recovered from the persons responsible for the delay in payment to the teacher concerned. The recovery shall be made after the Commissioner of School Education shall cause an enquiry to be undertaken, and fix the responsibility and recover the said sum representing interest component as above and also recommend any other penalty or proceeding to be meted out on the person(s) concerned.

The recovery has to be made from the pay, allowances, allowances -including terminal benefits- salaries, and any property of the said person found

responsible. Recovery may also be made by the Commissioner of School Education, shall be made under the provisions of the Bengal Public Demand Recovery Act, 1913.

It is expected that the enquiry, as directed hereinabove, be completed within a period of three months from date. The petitioner shall participate in such enquiry as and when called for.

The Provident Fund Account of the petitioner shall be transmitted within a period of seven days from the old School, namely, Pandua Radharani Girls High School, Hooghly to the present School, namely, Prabartak Nari Mandir, Hooghly.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)