

24.08.2022
Court No.13
Item No.37
AP

WPA 5156 of 2022

Akshaya Kumar Das
Vs.
The State of West Bengal and Ors.

Mr. Kamalesh Bhattacharya
Mr. Bidhan Biswas

... For the Petitioner.

Mr. Supriya Chattopadhyay
Mr. Pinaki Bhattacharya

... For the State.

Mr. Ekramul Bari
Mr. Sk. Imtiaj Uddin

... For the school authority.

Learned counsel for the school, Mr. Ekramul Bari, submits that they were ready and willing to process the petitioner's pension papers but he has not approached them to execute the series of documents specified in the letter dated 13th August 2022.

Mr. Bari further submits that the petitioner had unauthorizedly absented himself for 627 days and a sum of Rs.4,75,736/- is recoverable from him.

In these circumstances, the pension papers of the petitioner shall be processed within a period of three weeks from date mandatorily and positively. In the meantime the petitioner shall cooperate and execute all necessary documents in this regard.

The issue of alleged unadjusted leave of the petitioner of 627 days shall be decided by the Secretary, West Bengal Board of Secondary Education. The school shall forward all necessary documents immediately to the Board for the aforesaid purpose.

After hearing the petitioner in person and the school, the Secretary, West Bengal Board of Secondary Education shall pass a reasoned order. Let the decision be taken within 30 days from the date of communication of a copy of this order.

All terminal benefits payable to the petitioner except gratuity, may be released without prejudice to the rights and contentions of any of the parties. The DI of schools shall take a decision on the gratuity payable to the petitioner based on the order of the Board as above.

Liberty is granted to the advocate on record of the petitioner to add the Secretary, West Bengal Board of Secondary Education as a party respondent to the instant proceeding. A copy of this order shall be served upon the Board by the petitioner.

The communications of the school dated 13th August 2022 and 22nd August 2022 are taken on record.

With the aforesaid directions, the writ petition is disposed of.

There shall 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.)