

16 13.05.22

Ct. No. 04

Akd

M.A.T. 533 of 2022
CAN 1 of 2022

Md. Quadir
Vs.
The State of West Bengal & Ors.

Mr. Barun Kumar Samanta.
... for the appellant.
Mr. Bhaskar Prasad Vaisya,
Mr. Sagnik Chatterjee.
... for the State.

Astonishingly the writ petitioner has filed the instant appeal against the order dated 24th March, 2022 passed in WPA 706 of 2022, when the substantial relief has already been granted in his favour.

By the impugned order the Single Bench directed the Administrator and Teacher-in-Charge of the school to send all the papers to District Inspector of Schools within a period of one month from the date of receipt of the said order and the said authority was further directed to take steps after receiving all such papers in presence of the writ petitioner and the school and take a decision within three months therefrom.

The tenet of the order suggests that in the event the petitioner is found entitled to the revised pension in terms of ROPA 2019, the steps were also directed to be taken for payment of the arrears due as well.

The appeal is filed by the writ petitioner by inviting our attention that such papers have already been forwarded to the concerned District Inspector of Schools and it is only the revised Pension Payment Order in terms of ROPA 2019 was not forwarded.

It appears that the competent authority has not taken any decision whether the petitioner is entitled to revised pension in terms of ROPA 2019. Unless the competent authority takes a decision, the Court

should not usurp the power of such authority as contended by the appellant and discharge his duty, which has been entrusted upon the said authority by virtue of a statutory document. The Court has issued Mandamus upon the authority to take decision within a time frame and, therefore, we do not find that there is any infirmity or illegality in the said order. Even the Court has directed the concerned authority to give an opportunity of hearing to the petitioner before taking such decision and, therefore, we do not think that the petitioner can have any further grievance in this regard.

The appeal is misconceived. The same is dismissed.

There will be no order as to costs.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)