

Court No. 22
29.9.2022
(Item No. 4)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8622 of 2021

Laily Sikder
VS
The State of West Bengal & Ors.

Mr. Sudipta Maiti
Ms. Pritikana Gantait
..... for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Mrinal Kanti Ghosh
..... for the State

The petitioner claims to be a retired Assistant Teacher of the respondent No. 5, a Higher Secondary School.

This writ petition had received attention of a co-ordinate Bench on August 29, 2022. The order is quoted below:

“Affidavit-of-service filed in Court today be taken on record.

The petitioner’s terminal benefits and the pension payment order have been calculated on the basis of ROPA, 1998. The petitioner superannuated from service on 31st January, 2006.

The petitioner claims that she is entitled to get benefit under ROPA, 2009.

The State may take appropriate instructions in the matter.

Let this mater stand adjourned and be listed on 7th September, 2022 under the same heading.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.”

The petitioner claims that, till date the arithmetical calculation of the amount payable to the petitioner has not yet been carried out and communicated to the petitioner.

In view of the above, the respondent No. 4 is directed to carry out the arithmetical calculation regarding the claim of the petitioner in terms of ROPA 2009 as directed by the co-ordinate Bench stated above. The respondent No. 4 shall give a prior notice of hearing of at least seven days to the petitioner and also his advocate on record through whom writ petition was filed and also the respondent No. 5. The petitioner by himself or through his authorized representative and the respondent No. 5 shall appear before the respondent No. 4 during the hearing and upon hearing the petitioner or its authorized representative as the case may be, the respondent No. 4 shall pass a reasoned order with the details of calculation to what the petitioner shall be eligible, if at all.

The entire exercise as directed herein shall be carried out by the respondent No. 4 within six weeks from the date of communication of this order.

In the event, it is found that, the amount is due and payable to the petitioner, then the respondent No. 4 shall send his recommendation to the respondent No. 3 positively within a period of further two weeks from the date of the reasoned order to be passed. The respondent No. 3 in turn within a further period of four weeks from the date of receiving the said communication from the respondent No. 4

shall release all the payment due to the petitioner in favour of the petitioner.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner. The petitioner shall be at liberty to urge whatever points available to him before the respondent No. 4 by relying upon whatever documents and records he wishes to rely upon.

Since affidavits are not called for the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 8622 of 2021** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)