

W.P.A. 12085 of 2019

Sambhu Charan Pal

Vs.

The State of West Bengal & Ors.

Mr. Firdous Samim

Ms. Gopa Biswas

Ms. Mousumi Hazra

Ms. Payel Shome

...for the petitioner

Mr. Kakali Samajpati

...for the State

Mr. Sudip Ghosh

....for the respondent nos. 10 & 11

Pursuant to the order dated 23rd November, 2022 matter is taken up for consideration when Ms. Kakali Samajpati, learned advocate appears on behalf of the State-respondents including District Inspector of Schools (SE), Hooghly. Writ petitioner and Nabagram Sishu Bharati High School are also represented by learned advocates.

On query being made to Ms. Samajpati representing the State- respondents with regard to the present status of the pension case of the petitioner, it has been submitted, on instruction, that pension papers were submitted in the office of the Director of Pension, Provident Fund and Group Insurance on 5th May, 2022. On submission of pension papers in the month of May 2022 Director of Pension, Provident Fund and Group Insurance being respondent no. 2 returned the pension case of the petitioner to the office of the concerned

District Inspector of Schools on 19th October, 2022. It has been submitted that there is a requirement of submission of approval for sanction of postgraduate scale of pay in favour of the petitioner by the authorities before the respondent no. 2. It has also been candidly submitted on behalf of the State-respondents that the approval accorded for sanction of postgraduate scale of pay by the office of the District Inspector of Schools is not available and school authority has also submitted that the said approval memo is not available in the records maintained by the school authority.

It transpires that due to want of approval memo sanctioning postgraduate scale of pay in favour of the petitioner, the pension case, till date, could not be processed. Ms. Samajpati has submitted that there is no dispute with regard to sanction of postgraduate scale of pay in favour of the petitioner but there is a requirement to submit the approval memo which unfortunately is not found on record.

The petitioner being an Assistant Teacher retired on superannuation on 30th June, 2019 and due to failure on the part of the respondent authorities to process the pension case till date, pensionary benefits remain unpaid to the petitioner.

In view of the fact that the office of the District Inspector of Schools as well as the school authority are not in position to submit the approval memo which was

accorded at the material point of time for sanction of postgraduate scale of pay, this Court directs the District Inspector of School (SE), Hooghly being the respondent no. 6 to issue *post facto* approval for sanction of postgraduate scale of pay within a period of fortnight and on issuance of such *post facto* approval, the respondent no. 6 is further directed to forward the pension case of the petitioner within a period of fortnight thereafter to the office of the respondent no. 2. The time fixed hereinabove for taking steps by the respondent no. 6 shall be computed from the date of receipt of pension papers from the school authority. School authority is directed to forward the pension papers of the petitioner within 7 (seven) days from date to the respondent no. 6. It has further been directed that the respondent no. 2 on receipt of pension papers shall issue Pension Payment Order within a period of fortnight thereafter. The respondents are directed to release the retiral dues in favour of the petitioner on issuance of Pension Payment Order upon completing the formalities at an early date but not later than 12 (twelve) weeks from date.

With the aforesaid direction, the 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, upon usual undertakings.

(Saugata Bhattacharyya, J.)