

Court No. 22
19.12.2022
(Item No. 22)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 13138 of 2022

Sri Harendra Nath Garai
VS
The State of West Bengal & Ors.

Mr. Sarbananda Sanyal
Ms. Paulami Chakraborty ... for the petitioner
Mr. Shamim-ul BariFor the State

Affidavit of service filed in Court today, is taken on record.

Despite notice none appears for the respondents, nor any accommodation has been sought for.

Mr. Shamim-ul Bari, learned advocate is present in Court, who normally appears in this type of matters representing the State authorities.

Mr. Bari, learned advocate is requested to appear in this matter by holding the brief. A copy of the writ petition is handed over to Mr. Bari, learned State advocate by Mr. Sarbananda Sanyal, learned advocate for the petitioner. The appearance of Mr. Bari is directed to be regularized by the office of the learned Government Pleader forthwith.

The petitioner claims he was a retired Headmaster of respondent No. 4 one **Derpur High School, District – Birbhum**. He retired from service on and from May 31, 2022. He had an unblemished employment career. Despite retirement no pension payment order had been issued in favour of the

petitioner to enable the petitioner who is a retired employee of the school to receive his pension.

Mr. Sarbananda Sanyal, learned appearing for the petitioner drew attention of this Court to **page 43** of the writ petition and submitted that, certain adverse observations were made by the respondent No. 3 while finally preparing the pension papers for the petitioner. He submitted that, such objections were also addressed by the relevant school authority and observation made in favour of the petitioner.

In view of the above, Considering the submissions made on behalf of the writ petitioner and on perusal of materials on record, to sub-serve justice respondent No. 3 is directed to take a decision on the basis of the communication made by the school authority dated April 27, 2022 which was received by the office of the respondent No. 3 on the very next day, upon giving at least seven days prior hearing notice to the petitioner and the respondent No. 4 and then after giving them an opportunity of hearing shall decide the issue with a reasoned order/decision strictly in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of six weeks from the date of communication of this order by the petitioner to the respondent No. 3. The respondent No. 3 shall communicate its reasoned decision/order to the

petitioner and the respondent No. 4 within a further period of two weeks from the date of the said reasoned order to be passed.

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 and the respondent No. 4 shall be at liberty to urge whatever existing records and documents they wish to urge and will be at liberty to rely upon whatever existing records and documents they wish to rely upon before the respondent No. 3.

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

After taking the reasoned decision by the respondent No. 3 all such necessary and consequential steps shall be taken by the respondent No. 3, respondent No. 6 and respondent No. 5 strictly in accordance with law but positively within a period of six weeks from the date of communication of the reasoned order to them by the petitioner.

On the above terms, this writ petition being **WPA 13138 of 2022** 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.)