

11.08.2022.
Court No.13
Item Nos. 705 & 706.
ap

W.P.A. No. 10726 of 2016
Smt. Nandita Giri (Santra)
Versus
The State of West Bengal & Ors.

Mr. Chittapriya Ghosh,
Mr. Goutam Acharya.

...For the petitioner.

Mr. Saibal Acharyya,
Mr. Pradip Paul.

..For the respondent no.7.

With
W.P.A. No. 9642 of 2016
Smt. Lila Sarangi
Versus
The State of West Bengal & Ors.

Mr. Saibal Acharyya,
Mr. Pradip Paul.

..For the petitioner.

Ms. Sipra Majumdar,
Ms. Prativa Ghatak.

...For the State.

Mr. Chittapriya Ghosh,
Mr. Goutam Acharya.

...For the respondent nos.6, 7 & 8.

In Re: W.P.A. No. 10726 of 2016

The writ petitioner is the Headmistress of Amarshi Brindaban Chandra Girls' High School, District – Purba Medinipur. She challenges an order passed by the Director of Pension, Provident Fund and Group Insurance, West Bengal (in short DPPG) communicated on 2nd September, 2015.

By the impugned order the DPPG has held that a sum of Rs.2,54,964/- is refundable and payable to

one Subal Chandra Sahu, a retired Group-D staff in the School being the respondent no.7. He retired on 31st May, 2007.

The Headmistress of the said School contends that the calculation by the DPPG of refund to the respondent no.7 from the DPPG is erroneous and incorrect.

The question of refund arose due to an admitted error on the part of the writ petitioner in course of calculation of terminal benefits of the respondent no.7. The mistake in calculation occurred while determining the Provident Fund amounts.

In Re: W.P.A. No. 9642 of 2016

The writ petitioner is an Assistant Teacher, who retired from Amarshi Brindaban Chandra Girls' High School, District – Purba Medinipur on 31st March, 2008.

She is aggrieved by an order passed by the DPPG dated 15th March, 2016, holding that the amounts claimed by the petitioner towards Provident Fund cannot be paid to her.

The DPPG, however, held that the actual Provident Fund amount to be paid to the petitioner by the school was incorrect and writ petitioner is not entitled to any higher amount paid incorrectly.

This Court notices that the issue that comes up for consideration is the quantum of sums of money

towards retirement dues particularly the Provident Fund of the employer and employees i.e. payable to the two ex-employees above.

A Writ Court does not enter into the matters of calculation of pension and other amounts and arithmetic in connection therewith.

In the above circumstances, this Court directs the Deputy Director of Accounts, District Inspector of Schools (SE), Purba Medinipur to revisit the calculations in the two impugned orders as above and take a final decision in the matter within a period of three months from date.

For the aforesaid purpose, the petitioners in each of the aforesaid cases, shall furnish copies of the impugned orders together with any other relevant and supporting documents and a detailed representation on what they consider is erroneous in the said two impugned orders within a period of fifteen days from date addressed to the Deputy Director of Accounts, D.I. of School (SE), Purba Medinipur.

Upon receipt of the said representation, the Deputy Director of Accounts, District Inspector of Schools (SE), Purba Medinipur shall summon the petitioners and/or their legal representatives and give a personal hearing. The respondents in each of the matters may also be heard, if necessary.

A reasoned order may be passed within the time

stipulated hereinabove and communicated to each of the petitioners within a week thereof.

The aforesaid order shall not prevent the School and/or the ex-employees above from paying and receiving any admitted sums of money without prejudice to their rights and contentions under the law.

With the aforesaid directions, the writ petitions are disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)