

22.9.2022
Sl.No.35/sn

WPA 14877 of 2022

Utpal Majumder
Vs.
The State of West Bengal & Ors.

Mr. Rajdeep Bhattacharyya
Mr. Debapratim Guha
Ms. Anchita Sarkar ..for the petitioner

Mr. Avishek Prasad ..for the State

Mr. Tapas Kr. Mondal ..for the Zilla Parishad

The petitioner alleges that the order of this Court dated February 14, 2022 has not been complied with by the South 24 Parganas Zilla Parishad. It appears that the Zilla Parishad by an order issued under Rule 34 of the West Bengal Service Rule Part-I held that the petitioner was on unauthorised leave from November 1, 2011 to August 31, 2019 and the period was to be treated as 'Dies Non'.

The petitioner prayed for admitted dues and also for a direction upon the authorities to take a decision with regard to his other retirement benefits. The provident fund amount has been paid to the petitioner. However, the petitioner has not yet heard from the Additional District Magistrate and Additional Executive Officer, South 24 Parganas Zilla Parishad, with regard to his eligibility to be granted other pensionary benefit.

Admittedly, the zilla parishad was the employer. The petitioner was on unauthorised leave. The period of unauthorised leave was treated to be 'Dies Non'. Whether the petitioner was entitled to any other retiral benefit has to be decided by the employer. The District Magistrate, who is the Executive Officer of the Zilla Parishad shall take a decision with regard to the petitioner's claim for pension and gratuity by taking note of the abovementioned facts and thereafter pass necessary orders. Such order shall be intimated to the petitioner.

The entire exercise shall be completed within a period of eight weeks from the date of communication of this order.

The petitioner is directed to serve a copy of this writ petition along with a server copy of this order upon the District Magistrate, South 24 Parganas, for necessary compliance.

This writ petition is disposed of.

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

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)