

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :-

Hon'ble Justice Partha Sarathi Sen

W.P.A No. 17339 (W) of 2021

Nandagopal Chaudhuri

-Versus-

State of West Bengal & Ors.

For the Petitioner : Mr. Lakshmi Kanta Pal, Adv.

**For the Respondent : Mr. Moloy Kumar De, Adv.
: Mr. Sajal Kumar Pandit, Adv.**

Heard on: : 11.11.2022

Judgment on. : 15.11.2022

PARTHA SARATHI SEN, J. : -

1. By filing the instant application under Article 226 of the Constitution of India, the writ petitioner alleges that though he discharged his services as an assistant teacher in Yogoda Satsanga Pal Para Balika Vidyalaya (HS) P.O Palpara, District Purba Medinipore, Pin:721458 but the respondent authorities have committed the following wrongs to him namely:-

- i.his pay scale has been fixed to the tune of Rs.360/- instead of Rs.470/- with initial pay at Rs.1230/- with effect from 01.04.1981;
- ii.he has been denied with at least four stagnation increments;

iii.though he is entitled to gratuity to the tune of Rs.2,50,000/- but he has been wrongly given gratuity to the tune of Rs. 1,87,292/-.

2. In support of his contention learned advocate for the writ petitioner draws attention of this Court to page 59 i.e. Annexure P8 of the writ petition, page 17 and page 19 of the affidavit-in-reply as filed in this case. It is argued that the calculation as made by the respondent authorities are wrong and thus, learned advocate for the writ petitioner requests this Court to pass an appropriate order so that the writ petitioner may get his remedies in respect of the above mentioned three grievances.

3. On perusal of the affidavit-in-opposition as filed on behalf of the State/respondent and after hearing the learned advocate for the respondent/State it appears to this Court that it is the case of the respondent/State that the last pay of the writ petitioner has been fixed at Rs. 8,225/- and thereafter on detailed calculation as made by respondent no.3/authority, pension payment order was issued to the extent of Rs.4,113/- per month in favour of the petitioner considering the entire period of his service with effect from 01.08.1962.

4. On perusal of the entire materials as placed before this Court and after hearing the learned advocates of both sides, it reveals that the dispute between the parties is based on accounts related arithmetical calculation. Before this Court no material has been placed to ascertain the correctness of the said calculation and being a writ court, it is practically impossible for this Court to check such arithmetical calculation. In view of such, this Court directs the

respondent no.3/authority i.e. Director of Pension, Provident Fund & Group Insurance, Government of West Bengal, Purta Bhavan, Salt Lake, Kolkata 700091 to revisit the grievances of the writ petitioner afresh positively within a month from the date of communication of this order and shall pass a reasoned order item wise.

5. Director of Pension, Provident Fund & Group Insurance, Government of West Bengal, Purta Bhavan, Salt Lake, Kolkata 700091, is further directed to ensure that the present writ petitioner must get proper opportunity to address his grievance before him either personally or by his authorized agent.

6. Liberty is given to the writ petitioner to submit appropriate documents before the Director of Pension, Provident Fund & Group Insurance, Government of West Bengal, for proper appreciation of his demand by the respondent no.3 herein.

7. With the aforementioned observation the instant writ petition is disposed of.

8. All connected applications, if any, stands disposed.

9. Let a copy of this judgement be sent to respondent no.3/ Director of Pension, Provident Fund & Group Insurance, Government of West Bengal, Purta Bhavan, Salt Lake, Kolkata 700091 down at once.

10. Urgent Photostat certified copy of this judgement, if applied for, be given to the parties on completion of usual formalities.

(Partha Sarathi Sen, J.)