

22.08.2022.
Court No.13
Item No. 54
ap

W.P.A. No. 16759 of 2022

**Syamal Kanti Dhar
Versus
The State of West Bengal & Ors.**

Md. Manuwar Ali,
Ms. Moumita Karmakar.

...For the petitioner.

Mrs. Sujata Ghosh.

...For the State.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner retired from service on 28th
February, 2012.

Having found that the petitioner's fixation of
salary was incorrect, the District Inspector of Schools
(SE), Murshidabad by an order dated 8th April, 2015
directed that the petitioner was entitled to a sum of
Rs.35,503/- as a refund towards such compensation.
The said order was passed by the District Inspector of
Schools (SE), Murshidabad pursuant to the direction
of a Co-ordinate Bench of this Court dated 4th
December, 2014 in W.P. No. 30798 (W) of 2014.

Upon failure of the respondents to release the
said sum of money, the District Inspector of Schools
(SE), Murshidabad has addressed a letter dated 4th
January, 2016 reminding the Commissioner of School

Education in that regard.

When the respondents still failed and neglected to pay the said amount, the petitioner approached this Court by way of W.P. No. 86 (W) of 2017.

By an order dated 9th February, 2017, a Co-ordinate Bench of this Court directed the District Inspector of Schools (SE), Murshidabad to once again consider the petitioner's application. By a further order dated 20th September, 2017, the District Inspector of Schools (SE), Murshidabad once again held that the petitioner is entitled to refund of Rs.35,503/- which the Commissioner of School Education has not released till date.

This Court is unable to appreciate the obstinacy of the Commissioner of School Education in refusing to act in terms of the request of the District Inspector of Schools (SE), Murshidabad made on two several occasions.

In those circumstances, the Commissioner of School Education shall pay the petitioner the said sum of Rs.35,503/-, with interest at the rate of 12% per annum on and from the date of retirement of the petitioner i.e. 28th February, 2012 till date of actual payment.

It is ordered that the payment to the petitioner shall be released, as directed hereinabove, by the CSE into his Pension Account mandatorily and positively

within one month from the date of communication of a copy of this order.

It is made clear that in default of such payment to the petitioner, the rate of interest shall increased to 14% per annum.

The instructions of the District Inspector of Schools (SE), Murshidabad dated 17th August, 2022 be taken on record.

With the aforesaid observations, the instant writ petition shall stand 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.)