

3
14.09.2022
adeb

W.P.A. 16585 of 2019

Lakshmi Kanta Pandit

-vs-

The State of West Bengal & Ors.

Mr. Fazul Haque,
Mr. Sanatan Mondal

....for the petitioner.

Mr. Biswajit De,

....for the respondent nos.4 & 6.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the State.

Petitioner was working in the post of Peon (Group-D) in a Government aided recognized High School who retired on superannuation in the month of July, 2011.

The grievance of the petitioner is in spite of his superannuation till date the retiral dues including the provident fund have not been released in his favour upon compliance of all formalities. However, it has been candidly submitted on behalf of the petitioner that he filed one writ petition being WPA 9627 of 2011 for correction of his date of birth in order to continue his service from the date of superannuation and the said writ petition was kept pending till 7th April, 2021 when a coordinate Bench dismissed the writ petition on the ground of non-prosecution.

The order passed by the coordinate Bench dated 7th April, 2021 on the said writ petition is placed before this Court which is taken on record.

Mr. De, learned advocate appears on behalf of the school authority and Mr. Chattopadhyay, learned advocate appears on behalf of the State respondents. They have jointly submitted that in view of pendency of that writ petition being WPA 9627 of 2011 the pension case of the petitioner could not be settled. Since vide order dated 7th April, 2021 passed by the coordinate Bench the said writ petition has been dismissed as withdrawn now it has been submitted that there is no difficulty in processing the pension case of the petitioner.

In view of the aforesaid submission made on behalf of the parties to this writ petition, this Court directs the school authority to forward the documents relating to pension of the petitioner including the service book to the District Inspector of Schools (SE), Paschim Medinipur within seven days from this date.

On receipt of such pension papers of the petitioner, the respondent no.3 shall complete of all formalities and settle the pension case of the petitioner and forward the same to the Directorate

of Pension Provident Fund and Group Insurance for issuance of pension payment order within three weeks thereafter.

On receipt of relevant papers from the respondent no.3, the Director of Pension Provident Fund and Group Insurance is directed to issue pension payment order in favour of the petitioner within two weeks thereafter.

If provident fund dues of the petitioner have not been released in the meantime, same shall be released by the respondents within a period of fortnight from date along with admissible interest.

With the aforesaid direction, writ petition stands disposed of.

However, there shall be no order as to costs.

Leave is granted to the learned advocate for the petitioner to amend the cause title and add the Director of Pension Provident Fund and Group Insurance as additional respondent in course of this day.

Leave is also granted to the learned advocate for the petitioner to amend the cause title and in place and stead of "Headmaster" being respondent no. 5 "Head of the Institution" to be inserted.

Urgent photostat certified copy of the order,
if applied for, be given to the parties, upon usual
undertakings.

(Saugata Bhattacharyya, J.)