

22.02.2022
Item No. 62
Ct. No.17
S.A.

WPA 18871 of 2021

Asit Kanti Sarkar
-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Ms. Tanuja Basak
Sk. Imtiaj Uddin
...for the petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the State

The District Inspector of Schools by his letter dated 13.02.2014 to the Director of School Education for payment of an amount of money for special allotment amounting to Rs.1678983 in favour of the petitioner. In the said letter of the District Inspector of Schools, it has been categorically stated that the claim has been vetted by the Deputy Director of Accounts (Education). The claim occurred due to this Court's order dated 26.04.2012 passed by one Hon'ble Judge of this Court. I am told today that no appeal against the order dated 26.04.2012 was preferred.

The grievance of the writ petitioner is that payment has not been made for last eight years.

Now, the decision of making payment is to be taken by the Commissioner of School Education.

I direct the petitioner to serve a copy of this letter of the District Inspector of School dated

13.02.2014 to the Commissioner of School Education for taking steps for payment of the said amount of money.

Learned advocate for the petitioner has submitted that the judgement of the Court dated April 26, 2012 states that “payable amounts shall be paid with interest at the rate of 5% per annum from October 10, 2002 when the School Authority submitted the case (as will appear from the document at page 53) to the District Inspector of Schools till the date of payment”.

Today, learned advocate for the petitioner submits that the interest as was directed by the judgement dated April 26, 2012 has to be paid, now while paying the said amount of money being Rs.16,78,983.96.

I reject such prayer because the petitioner in Paragraph 16 of the writ application has said that as he is a retired teacher, he could not approach the Court for payment of the money which is not accepted by this court. The petitioner could come before this court much earlier and could take steps for compliance of the order in which he failed. He has made delay of 9 (nine) years in approaching this court from the order dated 26.04.2012. The authority is not required to pay the interest amount after 3 (three) years from the date of the order.

With the above observation, I dispose of the matter and I hope and expect that the Commissioner of School Education will pay the entire amount of money after receiving a copy of the said order from the end of the petitioner within four weeks along with the copy of the letter of District Inspector of Schools dated 13.02.2014. The petitioner can also forward the entire writ application to the Commissioner of School Education if he thinks that there is no bar put by this Court.

The matter is disposed of.

(Abhijit Gangopadhyay, J.)