

Court No. 24
03.01.2022
(Item No. 84)
(AB)

W.P.A. 19157 of 2021
(via video conference)

Naba Kumar Hazra
VS
The State of West Bengal & Ors.

Mr. Prantick Ghosh
... for the petitioner.
Mr. Ratul Biswas
... for the Council

The petitioner is a Primary School Teacher. He was placed under suspension with effect from 30th July, 2011 when he was arrested in connection with Jagatballavpur Police Station case No. 204/2011 dated 30th July, 2011 under sections 498A/304B/34 of the IPC. The suspension order indicated that the petitioner was entitled to get the suspension allowance as per Rules.

By a further Office Memorandum dated 20th November, 2014 the suspension order of the petitioner was withdrawn. He was directed to join the school immediately. He was intimated that he was entitled to get his salary as admissible in regular course from the date of his joining.

The petitioner was acquitted in the criminal case vide judgment dated 3rd March, 2017 in ST-162/2012 passed by the learned Additional Sessions Judge, Fast Track Court-II, Howrah.

By a communication dated 10th August, 2017 the Chairman District Primary School Council, Howrah communicated to the Sub-Inspector of Schools Jagatballavpur South Circle that the petitioner on being acquitted in the criminal case is entitled to get his due

service benefit along with his arrear salary as admissible in accordance with law from the date of his suspension i.e. 30th July, 2011 and onwards prior to rejoining his duty on 24.11.2014 subject to adjustment with the allowances already received by him for the said period.

The grievance of the petitioner is that till date the arrear salary and other admissible dues have not been disbursed in his favour. The petitioner made several representations before the Council but no response has been received till date.

The learned advocate representing the District Primary School Council, Howrah submits, upon instructions, that the Council has calculated the entitlement of the petitioner and it appears that the petitioner is entitled to receive a sum of Rs.4,45,297/-. The Chairman by a communicating memo No. 408/H dated 28th March, 2019 requested the Commissioner, School Education Department to allot fund for releasing the arrear salary of the petitioner. The Council has not received any fund from the Commissioner, School Education Department till date.

It has been submitted that the Council replied to the queries sent by the School Education Directorate, but even thereafter no fund as yet been allotted for the purpose of disbursing the arrear dues of the petitioner.

As it appears that the Council has already taken up the issue and sought for funds from the School Education Department accordingly the Secretary, Directorate of School Education (Primary Education) is directed to take necessary

steps for disbursal of the arrear dues of the petitioner in accordance with law, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

The instruction forwarded by the Howrah District Primary Council to the learned advocate is retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(Amrita Sinha, J.)