

S/L 5
14.02.2022
Court. No. 19
GB

W.P.A. 19873 of 2021

Utpal Majumder
VS
The State of West Bengal & Ors.

*Mr. R. Bhattacharya,
Mr. Debapratim Guha,
Ms. Anchita Sarkar.*

...for the Petitioner.

*Mr. Tapash Kr. Mondal,
Ms. Priya Dey,
Ms. Priya Ghosal.*

...for the Zilla Parishad.

*Mr. Susanta Pal,
Mr. Biswajit Dutta.*

...for the State.

Affidavit-of-service filed in Court today be kept with the record.

The writ petition has been filed by a retired employee of the Zilla Parishad, South 24 Parganas. It is submitted by the petitioner that the petitioner was appointed as a Group-D staff sometime in 1976. It is further submitted that the petitioner absented from his duty on and from November 1, 2011 up to August 31, 2019.

The employer/Zilla Parishad by an appropriate order issued under Rule 34 of the West Bengal Service Rules, Part-I, has held that the period of unauthorized leave from November 1, 2011 to August 31, 2019 shall be treated as 'dies-non'.

The petitioner submits that the admitted dues of the petitioner including the provident fund amount accumulated against the account of the petitioner must be paid.

The Zilla Parishad submits that the provident fund amount, to which the petitioner would be entitled, will be disbursed within a period of one month from date. With regard to the other claims towards pension and gratuity, the petitioner is at liberty to approach the appropriate authority in accordance with law and if such approach is made, the same shall be disposed of in accordance with the service rules and on the basis of the order dated June 11, 2021 passed by the Additional District Magistrate and Additional Executive Officer, South 24 Parganas.

The entire exercise shall be completed within a period of three months from receipt of the representation.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)