

2 22.9.2022
Sc Ct. no.22

WPA 19130 OF 2022

Sima Haque

Vs.

The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri
Sk. Nizamuddin
Ms. Barnali Gupta.

....For the Petitioner

Mr. Shamim ul Bari

....For the State

Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Haque.

....For the Respondent
No. 7

From an earlier order dated November 26, 2021, **Annexure-P6** to the writ petition, passed by a coordinate Bench, in contempt jurisdiction, it appears that, a specific direction was made upon the respondent nos. 6 and 7 that subject to the petitioner complies with the formalities for providing the necessary records and documents, the said respondents shall comply with the direction made in the order dated October 30, 2019 in the previous writ petition being **W.P. 19349 (W) of 2019, Annexure-P4** to the writ petition. Subsequently the instant writ petition was filed. Previously on September 8, 2022, September 9, 2022 and September 12, 2022 orders were passed in the instant writ petition, which speak for themselves.

Today learned counsel representing the appearing parties are present and submitted that, all the formalities are duly complied with by the petitioner insofar as the

documents and records which were available with the petitioner. It is submitted on behalf of the petitioner that the petitioner does not possess any further record or document for submission.

Mr. Md. Sarwar Jahan, learned counsel appearing for the respondent nos. 6, 7 and 8 submitted that after receiving all the documents from the petitioner, he had submitted all such documents before the respondent no.4 on September 16, 2022.

Learned counsel appearing today for the parties have agreed that now the respondent no.4 can proceed to resolve the issue by granting an opportunity of hearing to the petitioner and the respondent no.7.

In view of the above, the respondent no.4 is directed to issue prior hearing notice of at least seven days to the petitioner and the respondent no.7 and then after granting an opportunity of hearing to them shall decide the issue by passing a reasoned decision/order.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.4 within a period of eight weeks from the date of communication of this order.

The respondent no.4 then shall communicate his reasoned decision/order to the petitioner and the respondent no.7 within a further period of two weeks from the date of the said reasoned decision/order to be passed.

In the event the reasoned decision/order goes in favour of the petitioner, the respondent no.4 shall immediately forward his reasoned decision/order to the respondent no.3 within a period of one week from the date of communication of the reasoned decision/order to the petitioner and the respondent no.3 in turn to give effect to such reasoned decision/order, who shall take all further steps and necessary steps for issuing the necessary **Pension Payment Order** and shall positively disburse and release whatever the amount the petitioner is eligible for, within a further period of four weeks from the date of the said reasoned decision/order being communicated to the respondent no.3.

It is made clear that this Court has not gone into the merits of the claim of the petitioner. All points are kept open for the petitioner and the respondent no.7 to urge before the respondent no.4.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms this writ petition, **WPA 19130 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)