Court No. 24

23.02.2022

(Item No. 12)

(AB)

W.P.A. 20154 of 2021
(via video conference)

Nandadulal Pahari @ Nandalal Pahari
VS
The State of West Bengal & Ors.

Mr. Sanjib Kumar Mukherjee
Mr. Subhendu Kumar Hota
…... for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
……… for the Council
Mr. Tapan Kumar Mukherjee
Mr. Somnath Naskar
…….. for the State

The petitioner is a suspended Primary School teacher. A criminal proceeding is continuing against him. His allegation is that he is not being paid subsistence allowance on regular basis. The petitioner approached this Court earlier on three occasions with the same prayer that subsistence allowance was not disbursed in his favour regularly.

In the present writ petition, the petitioner has averred that he is not getting subsistence allowance but the details of the period for which he is not receiving the said allowance is surprisingly missing.

The learned advocate representing the State respondent has received specific instruction from the Sub-Inspector of Schools, Pathar Pratima Circle wherein it has been mentioned that the petitioner was requested on several occasions to submit all the necessary documents for preparing his subsistence allowance bill. The petitioner has given only a single declaration and he denied to sign the mandate form.

According to the provisions of law, a suspended employee is required to file a declaration form every month stating that he is not in gainful employment. The petitioner has failed to comply with the formalities required for obtaining the subsistence allowance.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioner to comply with all the requisite formalities for the purpose of disbursal of subsistence allowance.

The writ petition stands disposed of.

Instruction given by the Sub-Inspector of Schools be retained with the records.

Urgent certified photo copy of this judgment, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)