

Court No. 22
07.9.2022
(Item No. 15)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 19474 of 2022

Prabir Kumar Das
VS
The State of West Bengal & Ors.

Mr. Ekramul Bari
..... for the petitioner

Mr. Avishek Prasad
..... for the State

Affidavit of service filed in Court today, is taken on record.

The petitioner claims to have retired from the post of **Associate Professor** at Bijoy Narayan Mahavidyalaya, Itachuna, District – Hooghly with effect from February 1, 2008 and his pension was fixed at Rs.19,177/-. The petitioner claims that the pension was increased under the relevant State policy and he should receive the benefits of such increment in pension pursuant to the Memorandum dated February 14, 2020, **Annexure P-2** to the writ petition.

The petitioner on September 22, 2021 submitted a representation before the seventh respondent. The same is still lying there and not considered.

Mr. Ekramul Bari, learned counsel for the petitioner drew attention of this Court to a communication, written by the College Authority dated November 16, 2021, **Annexure P-4** to the writ petition which was addressed to the seventh

respondent confirming that according to the College Authority the petitioner's pension should be Rs.65,700/- as per para 4.4 of the said Government Order dated February 14, 2020.

Mr. Avishek Prasad, learned State counsel is present.

In view of the above, this Court is of the considered opinion that, justice would be sub-served if the said representation dated September 22, 2021, **Annexure P-4** to the writ petition is directed to be considered by the appropriate respondent authority upon giving an opportunity of hearing to the petitioner and the relevant College Authority of Bijoy Narayan Mahavidyalaya, Itachuna, District – Hooghly. The College Authority may be represented through its authorized representative. The respondent No. 2 then shall pass a reasoned decision/order on the issue.

Accordingly, the respondent No. 2 is directed to consider the said representation dated September 22, 2021, **Annexure P-4** to the writ petition upon giving at least seven days prior hearing notice to the petitioner and the relevant College Authority and upon giving an opportunity of hearing to them shall consider and dispose of the said representation with his reasoned decision/order.

The entire exercise as directed above shall be carried out by the second respondent within a period of six weeks from the date of communication of this

order. The second respondent then shall communicate its reasoned decision/order to the petitioner and the representative of the College Authority within a further period of two weeks from the date of the said reasoned decision/order to be passed.

In the event, the said reasoned order/decision goes in favour of the petitioner, the respondent No. 7 shall take all steps and further steps to give effect to the said reasoned order/decision in favour of the petitioner and shall disburse all the benefits there under including the arrears to the petitioner within a further period of four weeks from the date of communication of the said reasoned order/decision to the respondent No. 7.

On the basis of the submissions made by Mr. Bari, learned counsel for the petitioner, the petitioner will also be at liberty to be represented in the hearing before the respondent No. 2 through his authorized representative.

On the above terms, this writ petition being **WPA 19474 of 2022** stands disposed of.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)