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**W.P.A. 19767 OF 2018**

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Sucheta Giri

Vs.

State of West Bengal & Ors.

Mr. Narayan Chandra Bhandary

.... For the Petitioner

Ms. Chaitali Bhattacharya

Mr. Subhendu Roy Choudhury.

.... For the Respondent  
No.1

The petitioner was an Assistant Teacher in a Government aided High School who retired on superannuation on 31<sup>st</sup> August, 2007 and the grievance of the petitioner is that – inspite of superannuation of the petitioner long back on 31<sup>st</sup> August, 2007 till date, retiral dues have not been released in her favour upon processing pension papers of the petitioner.

Today the writ petition is heard in presence of the learned advocates representing the petitioner and the State respondents. Mr. Bhandary, learned advocate appearing for the petitioner has submitted that relevant pension papers including the Service Book of the petitioner have already been forwarded to the office of the concerned District Inspector of Schools (S.E.), South 24-Parganas being the respondent no. 4 but the same has not been processed by the respondent no. 4 for upward transmission of the same to the office of the Director of

Pension, Provident Fund & Group Insurance, West Bengal. As a result whereof, the pension case of the petitioner has not yet been settled. The petitioner has prayed for expeditious release of her retiral dues.

Ms. Chaitali Bhattacharya, learned senior Government advocate appears on behalf of the State respondents and submits that certain calculations have been made by the school authorities of Dhablat Bishalakshi Girls' High School under the direction of the State respondents and some amount has been found to be excess-drawn by the petitioner during her tenure. According to the State respondents, as per the norms, in the case of excess-drawn amount along with the amount which is required to be deposited by the petitioner for getting the benefit under the pension scheme upon switching over from Contributory Provident Fund Scheme to Gratuity and Pension Scheme, if not deposited, further steps for releasing retiral dues cannot be taken. Therefore, it has been contended that at first the petitioner is required to deposit the amount which she has drawn in excess as well as the amount which is required to be deposited for switching over from Contributory Provident Fund Scheme to Pension and Gratuity Scheme.

This Court has considered the submissions made on behalf of the parties and directs the respondent authorities specially the respondent no. 4 to settle the

pension case of the petitioner and forward the necessary papers to the office of the Director of Pension, Provident Fund & Group Insurance, West Bengal for issuance of Pension Payment Order. Such exercise to be carried out by the respondent no. 4 within a period of eight weeks from date and the Director of Pension, Provident Fund & Group Insurance in his turn shall issue Pension Payment Order within two weeks from the date of receipt of papers from the office of the respondent no. 4.

On issuance of Pension Payment Order, the respondent no. 4 is directed to take steps for remitting the amount which is to be calculated while processing the pension case of the petitioner for refund to the concerned authorities within two weeks from the date of issuance of the Pension Payment Order and after such refund being made by the respondent no. 4, the rest of the retiral dues of the petitioner shall be released in her favour within two weeks thereafter.

Such direction is made by this Court for releasing the retiral dues to the petitioner since she has retired long back on 31<sup>st</sup> August, 2007 and in special circumstances of this case and such order shall not create any precedence.

With the above direction, the writ petition stands disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished expeditiously on usual undertaking.

**(Saugata Bhattacharyya, J.)**