

09 26.04.2022
rkd Ct.15

W.P.A. 21565 of 2016

Dr. Asit Kumar Sarkar

-vs-

State of West Bengal & Ors.

Mr. Ranajit Chatterjee,,
Mr. Aniruddha Mitra,

....for the petitioner.

Ms. Lina Majumdar,
Mr. Arijit Dey

....for the respondent nos.4 & 5.

Mr. Amal Kumar Sen,
Ms. Ashima Das (Sil)

....for the State.

Petitioner was appointed in the post of Reader in Agronomy (Research) on Jute and Allied Fibres at Coochbehar under Bidhan Chandra Krishi Viswavidyalaya (for short "BCKV"). Prior to his appointment as Reader petitioner rendered service under Orissa University of Agriculture and Technology (for short "OUAT") for the period from 20th May, 1982 to 24th January, 1989.

It has been submitted by Mr. Chatterjee, learned advocate representing the petitioner that petitioner was engaged in Regional Research Station (Agriculture) at Ranital which was under OUAT. On joining the post of Reader under BCKV the initial monthly pay of the petitioner was fixed taking into account the past service of the

petitioner at RRTTS, Ranital for the said period from 20th May, 1982 to 24th January, 1989. Ultimately after serving BCKV up to 28th February, 2005 he retired and admissible retiral dues were paid to the petitioner upon fixing the pension of the petitioner on superannuation considering the service which petitioner rendered in BCKV with effect from 9th December, 1988.

The grievance of the petitioner is since he rendered service in RRTTS, Ranital prior to joining BCKV the period of such service from 20th May, 1982 to 24th January, 1989 should have been taken into account while calculating the retiral dues of the petitioner including fixation of his pension. In support of such submission attention of this Court has been drawn to the letter dated 8th May, 2015 issued by the Registrar of BCKV addressed to the Joint Secretary to the Government of West Bengal, Department of Agriculture, Education Branch whereby request was made for taking necessary steps for counting aforesaid past service of the petitioner as rendered by him as Senior Scientist (Agronomy) at RRTTS, Ranital since RRTTS, Ranital is under administrative control of Orissa University of Agriculture and Technology (OUAT) and such OUAT is aided

institution of the Government of Orissa.

It has been submitted on behalf of the petitioner that in spite of such letter dated 8th May, 2015 by the Registrar of BCKV ultimately the claim of the petitioner for calculating pension upon taking into account the past service which he rendered prior to joining BCKV was spurned by the concerned respondent authority based on the observation of the Finance Department as referred to in the letter dated 14th March, 2016 issued by the Registrar (Actg) of BCKV which is addressed to the petitioner. Such communication of the concerned authority of BCKV dated 14th March, 2016 is under challenge in the present writ petition since petitioner is aggrieved by the observation of the Finance Department based on which Additional Secretary, Agriculture Department informed the University that past service of the petitioner cannot be taken into account.

It has also been submitted by Mr. Chatterjee appearing for the petitioner that prior to his service at RRTTS, Ranital he was associated with RRTTS, Chiplima.

Mr. Sen, learned Additional Government Pleader appears on behalf of the State respondents and has submitted that fixation of initial pay of the

petitioner at the time of joining of the petitioner in BCKV when petitioner was granted pay protection of his past service does not have any nexus with the sanction of retiral dues of the petitioner. Therefore the State respondents have rightly sanctioned the retiral dues including pension in favour of the petitioner reckoning the date of joining of the petitioner in BCKV. According to the State respondents albeit Orissa University of Agriculture and Technology is an approved institute under Indian Council of Agricultural Research but that accreditation is not there in case of RRTTS, Ranital where petitioner rendered his past service. Therefore there is no anomaly in sanctioning the retiral dues of the petitioner without taking into account his past service in RRTTS, Ranital.

This Court has considered the rival submission made on behalf of the parties and has also perused the relevant documents available on record including the pleadings.

It appears that petitioner was appointed as Reader in BCKV vide appointment letter dated 9th December, 1988 and by memo dated 7th February, 1989 issued by the then Registrar of BCKV his initial pay as Reader in BCKV was fixed taking into account his past service in the institute under

OUAT.

In addition thereto vide letter dated 8th May, 2015 the Registrar of BCKV requested the concerned State respondents for counting past service of the petitioner from 20th May, 1982 to 24th January, 1989 rendered under OUAT on the score that RRTTS, Ranital is under the administrative control of OUAT and OUAT is a recognized institute under Indian Council of Agricultural Research like BCKV.

Attention of this Court has also been drawn to page 42 onwards of the writ petition wherein a list has been appended containing names of the recognized institutes under Indian Council of Agricultural Research wherefrom it appears that name of BCKV is appearing at serial no.6 whereas Orissa University of Agriculture and Technology is appearing at serial no.35.

Vide letter dated 14th March, 2016 Registrar has conveyed to the petitioner that based on observation of the Finance Department Additional Secretary, Agriculture Department has informed the BCKV that since RRTTS, Ranital where petitioner served before his service in BCKV is not an organization of national repute, past service of the petitioner cannot be reckoned while

sanctioning his retiral dues.

This Court is at a loss that on what basis the Finance Department came to such conclusion specially when it appears that RRTTS, Ranital is one of the Regional Research Stations under Orissa University of Agriculture and Technology and said Orissa University of Agriculture and Technology is a recognized body under Indian Council of Agricultural Research like that of BCKV as it emanates from Annexure P6 to this writ petition. Vide letter dated 14th March, 2016 no cogent reason has been assigned by the concerned respondent authority while refusing the claim of the petitioner for sanctioning of retiral dues considering his past service excepting a mere statement with regard to the status of RRTTS, Ranital.

Since it appears that initially at the time of joining BCKV petitioner was granted the benefit of pay protection for his past service in RRTTS, Ranital and it has been clarified by the Registrar of BCKV in his letter dated 8th May, 2015 addressed to the Joint Secretary to the Government of West Bengal that past service of the petitioner is required to be considered this Court does not find any merit in the observation of the Finance Department as

referred to in the communication letter dated 14th March, 2016 and as such, said observation as quoted in the said letter dated 14th March, 2016 of the Registrar of BCKV stands set aside.

In view of the aforementioned facts and circumstances, this Court directs the concerned respondent authorities to sanction retiral dues of the petitioner upon taking into account his past service which he rendered under Orissa University of Agriculture and Technology for the period from 20th May, 1982 to 24th January, 1989 and if necessary, issue fresh pension payment order by refixing the pension as well as other retiral dues of the petitioner within a period of eight weeks from the date of communication of this order.

The concerned authority of BCKV is directed to forward the necessary papers relating to the pension of the petitioner to the concerned authority of the State respondents within three weeks from date and on receipt of such pension papers the concerned State respondent is directed to complete the formality and release the retiral dues within five weeks thereafter.

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

However, there shall be no order as to

costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)