

32. 07.11.2022
BD Ct.15

W.P.A. 8319 of 2020

Sri Kalipada Jana

-vs-

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)

... for the petitioner.

Mr. Biswabrata Basu Mallick

Mr. Somenath Naskar

... for the State

Petitioner on being superannuated on 30th November, 2003 has prayed for sanction of pensionary benefits which has not been considered till date by the concerned respondent authorities.

Petitioner on grant of recognition in favour of the concerned school got approval of appointment as a bonafide organising teacher with effect from 1st May, 1996 and retired on superannuation on 30th November, 2003 thereby discharged duty as teaching staff of the said school for a period of seven years seven months.

It has been submitted on behalf of the petitioner since the qualifying service of the petitioner fell short of ten years pensionary benefits have not been released in his favour. In support of the contentions made on behalf of the petitioner it has been pointed out that prior to grant of approval in his favour with effect from 1st May, 1996 he worked in the school in question as an organising teacher and head teacher for a long period of time. Therefore while determining the entitlement of the

petitioner to receive pensionary benefits the service which the petitioner rendered prior to grant of approval as an organising teacher needs to be taken into consideration in order to condone the short fall in qualifying service as required under the relevant provision of the DCRB Scheme of 1981 issued vide Government Order dated 15th May, 1985.

The learned advocate representing the State respondents has opposed the prayer of the petitioner for sanction of pensionary benefits in view of the requirement as prescribed under the DCRB Scheme of 1981 that a teacher has to complete ten years qualifying service in order to make himself eligible to receive such benefits.

This Court has considered the submissions made on behalf of the parties and perused the relevant materials available on record.

In view of consideration of the fact that petitioner functioned as organising teacher prior to grant of recognition in favour of the school where petitioner was working with effect from 1st May, 1996 this Court finds that it is a fit case to direct the Principal Secretary, School Education Department, to take decision on entitlement of the petitioner to receive pensionary benefits in spite of the fact that petitioner fell short of qualifying service of ten years on the date of his superannuation on 30th November, 2003.

Accordingly, the Principal Secretary School

Education Department, is directed to take decision in accordance with law within a period of 12 weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative and the school authority and pass a reasoned order. The decision to be taken by the Principal Secretary shall be communicated to the petitioner within one week thereafter. If the claim of the petitioner is allowed in that event the respondent authorities are directed to take necessary steps in order to complete formalities for release of pensionary benefits to the petitioner expeditiously.

With the aforesaid 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.)