

Court No.
28.3.2023

(Item No. 37)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 933 of 2023

Ratan Kumar Tewary
VS
The State of West Bengal & Ors.

Mr. Bishan Biswas
.... For the petitioner
Mr. Pinaki Dhole
Mr. Pinaki Bhattacharyya
... For the State
Mr. Aditya Mondal
.... For respondent No. 6

The petitioner had retired on **March 31, 2017** as a **Clerk** being a non-teaching staff at **Debipur R.L. Saha High School (H.S.), District – Malda.** The petitioner claimed revised pension in terms of **ROPA – 2019.**

The petitioner submitted his representation dated **May 11, 2022** before the respondent No. 4 and the same had not been considered till date.

Mr. Pinaki Bhattacharya, learned counsel led by Mr. Pinaki Dhole, learned advocate appeared for the respondent Nos. 1 to 5.

Mr. Aditya Mondal, learned advocate appeared for respondent No. 6, he prayed for an adjournment of the hearing.

Considering the nature of issue involved in this writ petition, the prayer for adjournment is rejected on the ground that the same will only delay to address the claim of the petitioner.

In view of the above, to sub-serve justice, the respondent no. 4 is directed to consider the said representation made on behalf of the petitioner dated **May 11, 2022, Annexure P-5** at **page 25** to the writ petition upon giving a seven days prior hearing notice to the petitioner and the respondent nos. 6 and then after giving them an opportunity of hearing shall decide the issue in accordance with law by passing a reasoned order.

The entire exercise as directed above shall be carried out and completed by the respondent no. 4 positively within a period of six weeks from the date of communication of this order. The respondent no. 4 shall then communicate its reasoned order to the petitioner and the respondent No. 6 within a further period of two weeks from the date of the reasoned order to be passed.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner. The petitioner and the relevant school authority shall be at liberty to urge whatever points they wish to urge relying upon whatever documents and records they wish to rely upon before the respondent no. 4 but shall not travel beyond the scope of the representation dated May 11, 2022.

It is further made clear that, this order shall not create any equity or right in favour of the petitioner, if the petitioner is not otherwise eligible to receive his claim strictly in accordance with law.

In the event, the decision goes in favour of the petitioner, the respondent No. 4 shall communicate the reasoned order to the respondent No. 3 positively within a period of two weeks from the date of the said reasoned order to be passed and the respondent No. 3 in turn and/or any other appropriate authority shall take all further and consequential steps to give effect to the said reasoned order positively within a period of four weeks from receiving the said reasoned order from the respondent No. 4.

On the above terms, this writ petition being **WPA 933 of 2023** 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.)