

78 11.5.2023
Sc Ct. no.22

WPA 2196 OF 2023

Smt. Rekha Sinha

Vs.

State of West Bengal & Ors.

Mr. Rudra Jyoti bhattacharjee
Ms. Debjani Ghosal

...For the Petitioner

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly

...For the Respondents/
State

Mr. Srikanta Datta

.....For the Respondent
Nos.4, 5 & 6

The petitioner claimed that, she is now about 77 years old. She had retired from her service from the post of Head Mistress in October 2005 from **Panchgram Girls' High School, District – Murshidabad**. Since then the petitioner had not received her pensionary benefits.

In the previous round of writ litigation in **W.P. No. 10503 (W) of 2008** two successive orders were passed by a coordinate Bench on **August 27, 2009** and **September 23, 2009** to the writ petition. In the said two orders specific directions were made upon the State authorities to release the pensionary benefits along with interest to the petitioner. Such payment had duly been released and the petitioner had received the same.

Through the instant writ petition, the petitioner claimed unpaid arrear salary.

Pursuant to the direction made by this Court on **April 26, 2023** an affidavit report affirmed on **April 25, 2023** was filed on behalf of the respondent no.6. The relevant averment from the said affidavit report is quoted below :

“7. However, I being the Head of the Institution, for the interest of a retired teacher, after considering available records, prepared a comprehensive arrear claim of the petitioner and submitted the same before the Assistant Inspector of Schools (S.E.), Lalbagh Sub-Division vide Memo No.P.G.H.S./12/2023 dated 24.04.2023 along with supporting papers and documents. The good office of the Assistant Inspector of Schools (S.E.), Lalbagh Sub-Division received the same on 24.04.2023 granting receipt.”

Mr. Srikanta Dutta, learned advocate appearing for the respondent nos.4, 5 and 6, the relevant school authority drew attention of this Court at **page 12** to the said report. It appeared that, by a communication dated April 24, 2023 the relevant school authority had already submitted all details, particulars and records before the jurisdictional Assistant Inspector of Schools (S.E.), Murshidabad mentioning that, ***the petitioner should be paid arrear salary for the period from December 17, 1988 till February 28, 2003.***

In view of the above, the respondent no.3 is directed to process the arrear salary on account of the petitioner for the period from ***December 17, 1988 till February 28, 2003*** and shall pay and disburse the same by crediting the bank account of the petitioner on the

basis of the information of bank account details being furnished by the petitioner forthwith.

The petitioner or her authorised representative by writing a letter, addressed to the respondent no.3, shall intimate the bank account particulars to which the amount shall be credited.

While disbursing and making the payment, the ***respondent no.3 shall pay interest @ 6.5% per annum from December 17, 1988 till the date of actual payment*** taking into account the period of unpaid salary from ***December 17, 1988 till February 28, 2003.***

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of three weeks from the date of communication of the bank details by the petitioner.

On the above terms this writ petition ***WPA 2196 of 2023*** stands disposed of.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)