

06. 17.05.2023
bd. Ct.15

W.P.A. 3561 of 2012

Sunil Baran Mandal

-vs-

The State of West Bengal & Ors.

Mr. Kalyan Kumar Panda

... for the petitioner.

Mr. Susanta Pal

... for the State

Petitioner was an approved assistant teacher in a Government aided high school who retired on superannuation on 31st August, 2008. Petitioner was accorded approval of appointment being a bonafide organising teacher by the concerned District Inspector of Schools (SE), Bankura, vide memo dated 25th September, 2000 with effect from 1st May, 2000 upon granting recognition to the school where petitioner was serving as organising teacher. After discharging duty being an approved assistant teacher for a period of eight years four months petitioner retired and thereafter paid all other superannuation benefits excepting pension since it was found by the department that service rendered by the petitioner as an approved assistant teacher is less than 10 years. A memo was issued dated 13th August, 2008 without releasing pensionary benefits in favour of the petitioner.

Petitioner in the present writ petition questions non-payment of pensionary benefit ignoring the service rendered by him as an approved assistant teacher with effect from 1st May, 2000 and

prior to that it has been submitted by the learned advocate for the petitioner that petitioner rendered service as an organising teacher in the school with effect from 1972.

Petitioner has claimed sanction of pensionary benefits taking into consideration service rendered by the petitioner as an organising teacher prior to grant of approval on 1st May, 2000 in order to fulfil the condition of 10 years service as contained in DCRB Scheme, 1981 which would entitle the petitioner to receive pension. In support of such contention learned advocate for the petitioner has relied upon the judgments delivered by the Hon'ble Single Bench and Hon'ble Division Bench of this Court.

State respondents are represented by learned advocate who has made an attempt to defend the stand taken by the State respondents in not releasing pensionary benefits in favour of the petitioner based on the provisions as contained in DCRB, 1981.

Having considered the submissions made on behalf of the respective parties the Principal Secretary, School Education Department, being the respondent no. 1 is directed to take decision on the claim of the petitioner to grant pensionary benefits within a period of twelve (12) weeks from the date of receipt of comprehensive representation from the petitioner. Petitioner is granted leave to make a representation within a period of fortnight from this date.

The Principal Secretary is directed to take such decision after granting opportunity of hearing to the petitioner or his representative and to pass reasoned order. The reasoned order to be passed by the Principal Secretary shall be communicated to the petitioner within one week thereafter.

With the aforesaid directions 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.)