

15. 15.05.2023
bd. Ct.15

W.P.A. 5126 of 2018

Renuka Maity

-vs-

The State of West Bengal & Ors.

Mr. P.C.Ghosh

Mr. Subir Hazra

... for the petitioner.

Mr. Avishek Prasad

... for the State.

Petitioner being the wife of the deceased assistant teacher of a Government aided secondary school has approached this Court for release of benefits payable to the petitioner in view of service rendered by her husband.

This Court directed the concerned District Inspector of Schools (SE), Howrah, to file a report. Accordingly a report dated 2nd May, 2023 was filed before this Court.

Due to no representation on behalf of Nayachak Jadunath High School, District- Howrah, (hereinafter referred to as "said school") this Court on the last occasion directed the learned advocate for the petitioner to serve another notice. Pursuant thereto one Mr. Sujit Bank, Teacher-in-Charge of the said school is personally present before this Court.

The matter is heard in presence of the learned advocates representing the petitioner, State respondents and Teacher-in-Charge in person.

On hearing the parties it appears that provident fund and Group Insurance benefits have already been released in favour of the petitioner. However, gratuity to the tune of Rs. 36,000/- under ROPA 1981 and a sum of Rs. 30,416/- towards arrear salary for the period from March 1990 till October, 1995 are remaining outstanding.

On perusal of the report dated 2nd May, 2023 of the concerned District Inspector of Schools (SE), Howrah, it appears that due to want of certain documents arrear amount could not be released in favour of the petitioner. However, teacher-in-charge today is present before this Court with the calculations relating to arrear dues which is required to be paid to the petitioner.

Teacher-in-Charge of the said school is directed to forward the necessary papers including calculations relating to arrear dues of the petitioner within seven days from date to the office of the District Inspector of Schools (SE), Howrah. The District Inspector of Schools (SE), Howrah, on receipt of such documents including calculations sheet from the said school authority relating to arrear dues shall release the said arrear dues in favour of the petitioner upon compliance of necessary formalities within four weeks thereafter.

The teacher-in-charge, of the said school is further directed to submit the papers relating to admissible gratuity payable to the petitioner in the office of the concerned District Inspector of Schools (SE), Howrah, within a period of seven days from

date, and on receipt of the same the District Inspector of Schools (SE), Howrah, is further directed to take steps for release of gratuity amount at an early date. However, respondents are further directed to release gratuity in favour of the petitioner preferably within a period of four weeks from date of submission of documents by the said school but the same shall be released before expiry of eight weeks.

Petitioner has prayed for payment of interest on the aforesaid outstanding sums due to delay in making payment. Since payment has not been made till date by the respondent authorities Court is restraining itself from giving any direction relating to release of interest but the issue is kept open. Petitioner shall be at liberty to take necessary steps in accordance with law for payment of interest on gratuity and arrear dues which will be made by the respondent authorities pursuant to the order passed by this Court today.

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.)