

28-03-2023
Item No.2
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.6612 of 2023
Keka Panty Ghosh
-vs-
The State of West Bengal & Ors.

Ms. Subhanwita Ghosh	
Mr. Sagnik Bose	
Mr. Pinak Mitra	
Mr. Kaustabh Banerjee	...for the petitioner
Ms. Tapati Samanta	...for the State

The petitioner retired from service on superannuation as a librarian of Haroa Rural Library, Haroa, North 24 Parganas on December 31, 2018. During her service, she improved her qualification by obtaining bachelor degree in Library & Information Science from Jadavpur University. Thereafter, she sought for higher scale of pay commensurate with her higher qualification, but the concerned authority did not pay heed to her appeal. Ultimately, by way of several rounds of litigations she got the benefit of higher scale of pay in consonance with her higher qualification.

The first pension payment order was issued on January 24, 2019. Thereafter, when the revised pension payment order was issued to her, an amount of Rs.1,58,652/- was deducted from her gratuity as overdrawn. In terms of ROPA 2019, the petitioner was to receive her dues on January 1, 2019, but the payment was made on July 15, 2021 thereby delay of 31 months. Under such circumstances, she has sought for directions upon the concerned respondent authorities so that interest due to delayed payment of pensionary benefits as per ROPA

2019 be paid to her and also to refund the deducted amount of Rs.1,58,652/- along with interest thereon.

By a representation dated March 6, 2023 petitioner sought for the reliefs as claimed in the writ petition from the authorities concerned, but to no effect.

Having heard learned counsels representing the respective parties, I feel that the writ petition may be disposed of by directing the concerned respondents to consider the petitioner's representation.

Accordingly, the fourth respondent – the Director of Pension, Provident Fund & Group Insurance, Finance Department, Government of West Bengal – is directed to consider the petitioner's representation dated March 6, 2023 (Annexure P8, p.49) disposing of it by a reasoned order, after affording opportunity of hearing to her or her authorised representative, within six weeks from the date of communication of this order. The decision once made shall be communicated to the petitioner within seven days thereafter.

With the aforesaid direction, the writ petition stands disposed of. No order as to costs.

All parties are to act on the server copy of this order, duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Rabindranath Samanta, J.]

