

28-03-2023
Item No.4
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.6981 of 2023
Mohitosh Pahari

-vs-

The State of West Bengal & Ors.

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

Ms. Sanghamitra Nandy
Mr. Bhaskar Chakraborty ...for the State

The petitioner retired from service on superannuation as a librarian of Matherdighi Udayan Pathagar, Kalitola, South 24 Parganas on November 30, 2014. During his service, he improved her qualification by obtaining bachelor degree in Library & Information Science from Jadavpur University. Thereafter, he sought for higher scale of pay commensurate with his higher qualification, but the concerned authority did not pay heed to his appeal. Ultimately, by way of several rounds of litigations he got the benefit of higher scale of pay in consonance with his higher qualification.

When the revised pension payment order was issued to him, an amount of Rs.90,898/- was deducted from his gratuity as overdrawn. In terms of ROPA 2009, the petitioner was to receive his dues on December 1, 2014, but the payment was made on September 26, 2022 and October 14, 2022 thereby delay of about 94 months. Under such circumstances, he 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 him and also to refund the deducted amount of Rs.90,898/- along with interest thereon.

By a representation dated March 13, 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 13, 2023 (Annexure P8, p.33) disposing of it by a reasoned order, after affording opportunity of hearing to him or his 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.]

