

28-03-2023
Item No.5
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.6986 of 2023
Anamika Paul Chowdhury
-vs-
The State of West Bengal & Ors.

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

The petitioner retired from service on superannuation as a librarian from a library on January 31, 2019.

When the revised pension payment order was issued to her, an amount of Rs.1,21,952/- was deducted from her pensionary benefits. In terms of ROPA 2009, the petitioner was to receive her dues on February 1, 2019, but the payment was made on November 22, 2019 and March 21, 2020 thereby delay of about 14 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 2009 be paid to her and also to refund the deducted amount of Rs.1,21,952/- 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 and keeping the question of maintainability open as submitted on behalf of the State.

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 P5, p.29) 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.

It is made clear that the question of maintainability is kept open at the time of consideration of the petitioner's representation.

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.]

