

101 10.5.2023
Sc Ct. no.22

WPA 10567 OF 2023

Sanat Dey

Vs.

The State of West Bengal & Ors.

Mr. Sankar Halder

.... For the Petitioner

Md. Zakir Hossain

Mr. Subrata Mukherjee.

.... For the State

Affidavit-of-service, filed in Court today, is taken on record.

The petitioner as the nephew of the deceased employee claimed the retiral benefit on account of his elder uncle viz., **Sri Basudev Dey**, since deceased who was permanent Group-D employee at Krishnagar Debnath High School, Krishnagar.

Mr. Sankar Halder, learned advocate submitted that, the Provident Fund amount had already been received by him.

Mr. Subrata Mukherjee, learned advocate appeared for the respondent nos. 1 to 3.

The rest of the respondents chose not to appear despite notice.

To subserve justice, the petitioner shall be at liberty to make a comprehensive representation before the respondent no.3 within a period of two weeks from date claiming his Gratuity and other retiral benefits on account of **Sri Basudev Dey**, since deceased.

In the event, such a representation is made, the respondent no.3 shall issue at least a seven days' prior hearing notice to the petitioner and the respondent nos.4 and 5 and then after hearing them shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of six weeks from the date of communication of this order.

The respondent no.3 must satisfy itself that, as to the identity and legal right and the right of the petitioner to receive the said benefits on account of **Sri Basudev Dey**, since deceased and shall record his finding in this regard with reasons. After that, the respondent no.3 shall proceed to decide the core issue.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner and the relevant school authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the respondent no.3.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that this order shall not create any equity or right in favour of the petitioner in the event, the

petitioner is not eligible to receive her claim strictly in accordance with law.

In the event, the reasoned decision goes in favour of the petitioner, then the respondent nos. 6 and 7 shall take all necessary and consequential steps in accordance with law to give effect to the said reasoned order but positively within a period of six weeks from the date of communication of the said reasoned order to them.

On the above terms this writ petition, **WPA 10567 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)