

Court No. 22
10.5.2023
(Item No. 77)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 10659 of 2023

Ashis Das
VS
The State of West Bengal & Ors.

Mr. Sandip Kumar De
Mr. Abhijit Sankar
Mr. Abhik Chitta Kundu
... for the petitioner

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

The petitioner claimed to be a retired
Headmaster from one **Mahisila Government Colony**
High School (HS), District – Paschim Bardhaman.
He retired on November 30, 2022. Repeated
representations were made before the authorities still
the petitioner had not received his pensionary
benefits.

Referring to **Annexure P-14** at **page 37** to the
writ petition Mr. De, learned counsel for the petitioner
submitted that, by a communication dated February
20, 2023 the School was asked to produce all the
records in respect of the petitioner so that his claim
could be considered. The School did not take any
step.

The State respondents are also not
represented.

The respondent Nos. 6 and 7 being the School authority are also not represented.

In view of the above, to sub-serve justice, the petitioner shall be at liberty to file a composite representation before the respondent No. 3 within a period of two weeks from date and the claim of the petitioner therein shall not travel beyond the scope of the writ petition.

In the event, such representation is made before the respondent No. 3, then the respondent No. 3 upon issuing at least seven days hearing notice to both the petitioner and the respondent Nos. 6 and 7 and after affording an opportunity of hearing to 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 receiving such representation from the petitioner. The respondent No. 3 shall then communicate its reasoned order to the petitioner and the respondent Nos. 6 and 7 within a further period of two weeks from the date of the said reasoned order to be passed.

The respondent No. 3 after communicating the reasoned order to the petitioner and the respondent Nos. 6 and 7 as directed above shall also communicate the same to the respondent No. 5 for

taking necessary steps in the matter. The petitioner shall also be at liberty to serve a copy of the reasoned order upon respondent No. 5. The respondent No. 5 then in turn shall take all necessary and consequential steps to pay the pensionary benefits in accordance with law to the petitioner positively within a period of three weeks from the date of receiving the reasoned order.

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

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

The respondent No. 3 shall also pay and or recommend for payment of interest @ 8% per annum on the pension amount to the petitioner since the date of retirement till actual payment to be made to the petitioner on the arrears.

With the above observations this writ petition being **WPA 10659 of 2023** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)