

53 06.6.2023
ML Ct. no.22
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WPA 11122 OF 2014

Binapani Hazra
Vs.
The State of West Bengal & Ors.

Mr. Ashis Kumar Paul
....For the Petitioner

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

Despite direction for affidavits being made on April 21, 2014, no affidavit-in-opposition had been filed.

Keeping the matter pending would amount to multiplying of records without any useful purpose.

Today when the matter was taken up for consideration none appeared for the respondents.

The petitioner ***claimed payment of her husband's retiral benefits in view of exercise of option to avail the Family Pension and Gratuity under the General Provident Fund (GPF) instead of Contributory Provident Fund (CPF).***

Mr. Ashis Kumar Paul, learned advocate for the petitioner referring to ***Annexure-P4 at page 18*** to the writ petition submitted that, the petitioner being the widow of the deceased employee had submitted a representation dated ***February 10, 2014, inter alia,***

before the respondent no.5 but the same had not yet received the attention of the State authority.

In view of the above, to subserve justice, the jurisdictional District Inspector of Schools, i.e. the ***District Inspector of Schools, Purba Bardhaman (at present)*** upon giving at least a seven days' prior hearing notice to the petitioner and the Teacher-in-Charge of the ***Kishorekona N. A. Vidyalaya, District – Purba Bardhaman*** shall decide the representation of the petitioner being ***Annexure-P4 at page 18 to the writ petition dated February 10, 2014*** and shall pass a reasoned order thereupon after giving an opportunity of hearing to the parties, mentioned above.

The entire exercise shall be carried out and completed by the jurisdictional District Inspector of Schools within a period of eight weeks from the date of communication of this order and shall communicate his reasoned order to the petitioner and the relevant school authority within a further period of two weeks from the date of the said reasoned order to be passed.

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 records and documents they wish to rely upon before the jurisdictional District Inspector of Schools.

It is also made clear that, this order shall not create any equity or right in favour of the petitioner if the petitioner is not eligible to receive her claim strictly in accordance with law.

While deciding the issue the hearing authority shall consider all the relevant rules, regulations and law laid down on the issue if relied upon on behalf of the petitioner.

In the event the reasoned decision goes in favour of the petitioner, then the jurisdictional District Inspector of Schools and the respondent no.3 shall take all further consequential steps to give effect to the said reasoned order positively within a period of three weeks from the date of communication of the said reasoned order to the respondent no.3.

The necessary payment in that event shall be made to the petitioner after receiving the bank details from her by the respondent no.3 forthwith as directed above.

On the above terms this writ petition, **WPA 11122 of 2014** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)