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13-02-2023
AKG
Ct. 238

WPA 11732 of 2018
Sri Tirthankar Chattopadhyay
Vs.
State of West Bengal & Ors.

Mr. N. C. Bihani,
Mrs. P. B. Bihani,
Mr. Soumyajit Ghosh
...for the Petitioner
Mr. Himadri Sikhar Chakraborty,
Mr. Atarul Haque Molla
...for the State
Mr. Anil Kr. Gupta
...for U.G.C.

Let the affidavit-in-opposition be filed by the University Grants Commission be kept with the records.

The petitioner, a retired Reader of Kalyani University, had been receiving his pension from June 1, 2005. However, after his retirement, by G.O. 464-Edn (U) dated August 13, 2010 and G.O. No. 711-Edn (U) dated December 21, 2010 the Higher Education Department, University Branch revised his pensionary benefits, notionally from January 1, 2006 but actually from April 1, 2008.

It is the case of the petitioner that while retired teachers of the government colleges and non-government/ aided colleges have been receiving the benefit of the revised pension actually from January 1, 2006, he, being a university teacher has been deprived of such benefit.

The petitioner made a representation before the Additional Chief Secretary, Department of Higher Education, Science & Technology, and Biotechnology on

June 5, 2018, requesting revision of his pensionary benefits actually from January 1, 2006.

The State has filed an affidavit in this matter. The affidavit suggests that in absence of specific government order, the benefits as prayed for by the petitioner cannot be accorded.

It has further been stated in paragraph 10 of the affidavit of the State that “representation dated June 5, 2018 is under process”.

In view of the stance of the State as disclosed in this writ petition, I am of the view that the State should expeditiously consider the case of the petitioner.

Accordingly, this writ petition is disposed of with a direction upon the respondent no. 2 to consider the representation dated June 5, 2018 appearing at page 87 of the writ petition within a period of two months from the date of communication of this order.

The State will communicate the reasoned order to the petitioner within one week thereafter. The respondent will hear the petitioner or his authorised representative before arriving at a decision.

WPA 11732 of 2018 is disposed of.

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

(Kausik Chanda, J.)