

Court No.
27.03.2023

(Item No. 100)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 14599 of 2022

Apurba Lal Chattopadhyay
VS
The State of West Bengal & Ors.

Mr. Rudranil De
.... For the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay
... For the State

Ms. Koyeli Bhattacharyya
... For W.B.B.S.E.

Pursuant to the direction made by this Court on December 21, 2022 the President of the respondent No. 3 had considered and resolved the issue with a reasoned decision dated **February 7, 2023** with the following observation:

“In view of the above, I, President, Adhoc Committee, WBBSE, is of the view that as the petitioner has already superannuated and his pensionary benefit has been withheld, the period of absence of Sri Apurba Lal Chattopadhyay, the petitioner from 09.12.1996 to 21.12.2007 be regularized as extra ordinary leave without pay. The concerned D.I. of Schools (S.E.) is also hereby instructed to expedite the process so that the petitioner gets pensionary benefit, as admissible, at the earliest. This decisions should not be held as precedence in the future. The concerned panel Advocate of the Board is also directed to produce this reasoned order in the form of an affidavit before the Hon’ble High Court on the scheduled date. The matter is thus disposed of.”

A photo copy of the said reasoned decision dated **February 7, 2022** is kept with the record.

In view of the above, the respondent No. 5 shall calculate and crystallize the pensionary benefits payable to the petitioner and shall communicate the same to the respondent No. 4 positively within a period of four weeks from the date of communication of this order. The petitioner shall also communicate the said reasoned order dated February 7, 2023 to the respondent No. 5 forthwith.

Upon receipt of the said communication crystallizing the pensionary benefits payable to the petitioner from the respondent No. 5, the respondent No. 4 shall issue **E-P.P.O.** in favour of the petitioner positively within a period of three weeks from the date of such communication being received by him and necessary fund shall be transferred by the appropriate authority to the bank account of the petitioner in terms of the Bank details furnished by the petitioner forthwith.

With the above observations, this writ petition being **WPA 14599 of 2022** 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.)