

71 15.5.2023
Sc Ct. no.22

WPA 16414 OF 2022

Shyamali Manna Patra

Vs.

The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Mousumi Hazra
Ms. Payel Shome.

.... For the Petitioner

Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty.

.... For the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
Ms. Debolina Chakraborty.

.... For WBCSSC

The petitioner at present is working in the post of Head Mistress at **Keshpur Girls' High School (H.S.), District – Paschim Medinipur**. Previous thereto the petitioner was working at one **Uchitpur Sushila Kanya Vidyalaya, District – Paschim Medinipur**. The transfer of the petitioner had held on December 28, 2019. **The petitioner shall retire on February 29, 2024.**

Ms. Gopa Biswas, learned advocate appeared for the petitioner and submitted that, the records and papers relating to Pension and Provident Fund of the petitioner had not yet been transferred from the previous school at her present school.

Considering the date of retirement, the **relevant service records of the petitioner** are required to be prepared forthwith so that, she can receive her

superannuation benefit immediately after her superannuation.

Ms. Rupsha Chakraborty, learned advocate led by Mr. Debjit Mukherjee, learned counsel appeared for the respondent nos. 1 to 3.

Ms. Debolina Chakraborty, learned advocate appeared for the respondent no.4.

The petitioner submitted that, she had made a ***representation dated September 29, 2021 at page 36 to the writ petition*** before the respondent no.3 but the same had not received any attention.

In view of the above, to subserve justice, the respondent no.3 shall consider the said representation after giving a seven days prior hearing notice to the petitioner and the respondent nos. 5, 6 and 7 and after giving them an opportunity of hearing 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 and the respondent no.3 then shall communicate his reasoned order to the petitioner and the respondent nos. 5, 6 and 7 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 had not gone into the merits of the claim of the petitioner in any manner.

The petitioner and the attending parties before the respondent no.3 shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon.

While deciding the issue the respondent no.3 shall consider and grant interest to the petitioner on the Provident Fund account, payable by the erstwhile school, namely, ***Uchitpur Sushila Kanya Vidyalaya*** from the date of transfer till the date of actual transmission of Provident Fund account to the transferred school.

The decision of the reasoned order to be passed by the respondent no.3 shall be given effect forthwith by the relevant authorities who shall carry out all necessary and consequential steps thereunder positively within a period of two weeks from the date of the said reasoned order to be communicated to them.

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

On the above terms this writ petition, ***WPA 16414 of 2022*** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)