

18.12.2023
Item No. 18
Crt.No.22
b.r.

WPA 14779 of 2008

Kali Kinkar Pati
-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Syed Mansur Ali
..... for the petitioner.

The petitioner retired on **October 31, 2006** as **Headmaster** from the relevant school. His pension papers, as submitted by the learned counsel, had been submitted. The **Deputy Director of Accounts** then Burdwan, presently **Paschim Burdwan** raised an objection, **annexure p-5 at page-35** to the writ petition. The grievance of the petitioner that the petitioner has not received the retiral benefits since after **retirement in 2006.**

None appears for the respondents, nor any accommodation has been sought for. Though the State was represented on the last occasion on November 22, 2023.

Mr. Syed Mansur Ali, learned advocate referring to a decision of this Court dated **June 20, 2023, In the matter of: Raj Kumar Das -vs- The State of West Bengal & Ors. rendered in WPA 4280 of 2018** submits that the law is now well settled and the petitioner's claim must be released.

On scrutiny of the objection dated **May 2006**, **annexure p-5 at page-34** to the writ petition, it appears to this Court that several documents and clarifications were called for. Learned counsel for the petitioner referring to **annexure p-5 at page-35** to the writ petition submits all the clarifications were duly submitted with required documents by the school authority.

In view of the above to sub-serve justice, the jurisdictional **District Inspector of School, Paschim Burdean** is directed to consider the objection **annexure p-5 at page-34** to the writ petition upon a prior hearing notice of at least **seven days** to the petitioner and the **respondent nos. 7 and 8** and after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

While considering the issue, the jurisdiction District Inspector of Schools shall also take into account the decision of this Court dated **June 20, 2023, In the matter of : Raj Kumar Das (Supra)**, as referred to above including its applicability.

The entire exercise shall be carried out and completed by the jurisdictional District Inspector of Schools, Paschim Burdwan positively within a period of **six weeks** from the date of communication of this order. The District Inspector of School then communicate its

reasoned order to the petitioner and the respondent **nos. 7 and 8** positively 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 two school authorities shall be free to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon.

In the event, the reasoned order goes in favour of the petitioner then the jurisdictional District Inspector of School, Paschim Burdwan shall take all further necessary and consequential steps to give effect to the said reasoned order positively within a period of **three weeks** from the date of the said reasoned order to be passed.

It is 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 his claim strictly in accordance with law.

The learned counsel for the petitioner submits that though there was an observation made by **Co-ordinate Bench on November 3, 2008**, the admissible dues have also not been paid to the petitioner.

It is **mandatorily** directed that even before proceeding with the hearing as directed above, the jurisdictional District Inspector of School, Paschim Burdwan shall release and pay the admissible dues positively within a period of **three weeks** from the date of communication of this order along with interest @ **8 per cent per annum** since **November 1, 2006** till the date of actual tendering of amount of the admissible dues, if not already paid.

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

On the above terms, this writ petition, **WPA 14779 of 2008** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)