

36 23.02.2023
RP Ct.No. 25

WPA 15395 OF 2019

MOHAMMAD SHAFIQUE
vs.
STATE OF WEST BENGAL & ORS.

Mr. Arun Kumar Maity
Mrs. Kaberi Sengupta Maity
Mr. Dwija Das Chakraborty
Mr. Purnasish Bhuniya
... for the petitioner
Mr. Pantu Deb Roy
Mr. Anand Farmania
... for State
Mr. Syed Nafirul Islam
... for Respondent Nos.3 and 4

The petitioner claims to have retired from service as Haj Assistant with effect from January 31, 2017 at the scale of pay of Rs.32,000/-. The petitioner further claims that during his service tenure he submitted a representation before the Executive Officer, West Bengal Haj Committee, Government of West Bengal, praying for release of arrears of salary, allowances as well as retiral benefits including gratuity and pension. The petitioner claims to have retired from service on superannuation with effect from January 31, 2017.

The learned advocate for the petitioner submits that though the petitioner has retired in the month of January 2017 but till date the retiral benefits as well as other benefits claimed by the petitioner including the benefits under the Career Advancement Scheme as indicated in the representation dated January 23, 2017 has not been released in favour of the petitioner.

Mr. Deb Roy, learned advocate appears for the State and submits that the petitioner is not entitled to benefits of Career Advancement Scheme as according to him he is not a government employee. However, Mr. Deb Roy, in his usual fairness, submits that no decision on the representation dated January 23, 2017 has been taken by the concerned authority till date.

The respondent nos.3 and 4 are also represented through its learned advocate, who also supports the argument of Mr. Deb Roy.

Taking into consideration the fact that the petitioner has submitted a representation before the Executive Officer, West Bengal Haj Committee and no decision has been taken on such representation, this Court is of the view that the interest of justice would be subserved if a direction is passed upon the concerned respondent to take a reasoned decision on the claims made in the representation dated January 23, 2017.

Accordingly WPA 15395 of 2019 stands disposed of with a direction upon the Executive Officer, West Bengal Haj Committee, being the respondent no.4 herein, to consider the representation of the petitioner dated January 23, 2017 which has been annexed as Annexure P-1 at page 17 of the writ petition and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner, respondent nos.3 and 4 or any other affected party/parties or their authorized

representatives and to communicate such reasoned order to the parties. The entire exercise is to be completed within a period of six months from the date of communication of this order along with a copy of representation dated January 23, 2017. The parties will be at liberty to raise all points in support or against the claim made by the parties at the time of hearing and to refer to any of the circulars and/or rules and/or regulations and/or notifications etc.

There shall, however, be no order as to costs.

Urgent Photostat copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of usual formalities.

(Hiranmay Bhattacharyya, J.)