

W.P.A. 15522 of 2019
IA No. CAN 1 of 2022

Md. Khaled Reza
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Tanuja Basak
.....for the petitioner

Mr. Kallol Basu
Mr. Sunit Kr. Roy
...for the School Authority

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
....for the State

The writ petition pertains to release of retiral dues in favour of the headmaster of Islamia High School, Kolkata (for short, 'the said school') who retired on superannuation on 31st May, 2018.

It appears from the submissions made by the learned advocates representing the petitioner, said school and the State-respondents that till date pension papers are lying with the office of the said school authority and no steps have been taken by the school authority to process the pension case of the petitioner facilitating release of retiral dues.

Mr. Kallol Basu, learned Counsel representing the said school authority submits that till date process relating to handing over of charge by the petitioner being the retired headmaster of the said school to the said school authority is not complete due to want of certain documents as a

result whereof the said school authority has not been able to issue “No Liability Certificate” in favour of the petitioner resulting in non-payment of retiral dues on completion of formalities.

It has been submitted on behalf of the said school authority that since the process of handing over of charge at the instance of the petitioner is not complete, in future if any question arises relating to maintenance of accounts of the said school authority for the period from the year 2010 to 31st May, 2018 being the date of superannuation of the petitioner the present management of the said school may not be held liable.

This writ petition was taken up for consideration by this Court on number of occasions previously and vide order dated 2nd September, 2022 this Court directed the District Inspector of School (SE), Kolkata on 15th September, 2022 in presence of the petitioner and the teacher-in-charge of the said school to complete the process of handing over of charge in order to commence the process of settling the pension case of the petitioner. It appears from the report dated 21st September, 2022 prepared by the concerned District Inspector of Schools that in presence of the petitioner and the said school authority effort was made to complete the process of handing over of charge but the same could not be made complete since the said school authority raised objection relating to failure on the part of the petitioner to handover

different books of accounts, cash book, cash memos, bills, vouchers etc.. relating to the tenure of the petitioner being the headmaster with effect from the year 2010 onwards. It has also been indicated in the said report of the District Inspector of Schools that Managing Committee of the school vide resolution dated 18th September, 2022 decided not to issue “No Liability Certificate” to the petitioner until he submits aforesaid documents. Therefore, it transpires from the report of the concerned District Inspector of Schools dated 21st September, 2022 that in spite of making effort to complete the process of handing over charge pursuant to the order passed by this Court dated 2nd September, 2022 the process could not be made complete and the said school authority decided not to issue “No Liability Certificate” to the petitioner.

Today, at the time of consideration of the matter it appears that the situation remains unaltered and the petitioner is pitted against odds in the matter of receiving retiral dues in spite of his superannuation on 31st May, 2018. Taking note of the contentions as raised on behalf of the said school authority read with the report submitted by the concerned District Inspector of School dated 21st September, 2022 it appears that on the ground of non-submission of books of accounts, cash book, cash memos, bills, vouchers by the petitioner the school authority decided not to issue “No Liability Certificate”. However, such stand of the said school authority in support of not

issuing “No Liability Certificate” to the petitioner is found to be improper in view of vagueness of the contentions of the said school authority since particulars of documents which are required to be handed over by the petitioner to the said school authority are not disclosed. Though objections have been raised that memos, bills and vouchers are required to be submitted by the petitioner but what are those memos, bills and vouchers and those documents relate to which period cannot be ascertained from the report of District Inspector of Schools dated 21st September, 2022.

Moreover, it is an admitted position that on the date of superannuation of the petitioner i.e. 31st May, 2018 neither disciplinary proceeding nor criminal proceeding was pending against the petitioner. Therefore, more than four years after demitting his office the school authority on untenable plea of not supplying the documents as indicated in the report of the District Inspector of Schools dated 21st September, 2022 cannot withhold issuance of “No Liability Certificate” in favour of the petitioner.

Accordingly, the said school authority and the teacher-in-charge being respondent nos. 4, 5 & 6 are directed to issue “No Liability Certificate” in favour of the petitioner within 48 hours from date.

The school authority is also directed to transmit the pension papers and service book of the petitioner to the office of the District Inspector of Schools (SE), Kolkata being respondent no. 3 by 27th March, 2023.

Respondent no. 3 on receipt of pension papers is directed to process the pension case within fortnight thereafter and transmit the same to the office of the Director of Pension Provident Fund and Group Insurance, West Bengal. The Director of Pension Provident Fund and Ground Insurance, West Bengal is directed to issue Pension Payment Order in favour of the petitioner within a period of fortnight from the date of receipt of pension papers from the office of the respondent no. 3. The said school authority as well as State-respondents are directed to complete the formalities relating to release of retiral dues in favour of the petitioner, if necessary, by taking steps on virtual mode for release of e-pension subject to making application by the petitioner for e-pension.

In this regard petitioner is directed to submit application for e-pension by tomorrow, 23rd March, 2023 before the school authority as well as before the District Inspector of Schools.

However, it is made clear that the retiral dues including pensionary benefits shall be released in favour of the petitioner at an early date but preferably within a period of 8 (eight) weeks from the date of communication of this order.

With the aforesaid direction, the writ petition stands disposed of.

Application, if any pending, also stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)