

44 08.8.2023
Sc Ct. no.22

WPA 20636 OF 2017

Iswar Chandra Maiti

Vs.

The State of West Bengal & Ors.

Mr. Manas Das

....For the Petitioner

The previous order speaks for itself.

Today the writ petition appeared under the heading
“For Dismissal”.

This is a hearing matter.

Mr. Manas Das, learned counsel appeared for the
petitioner.

None appeared for the respondents.

The office report dated **November 28, 2019** showed
that, despite direction made by a coordinate Bench on
September 25, 2019 no affidavit-in-opposition was filed.
Even today, none appeared for the respondents.

Considering the issue involved in this writ petition
and considering the submissions made on behalf of the
petitioner and upon perusal of the materials on record,
this Court is of the view that, the writ petition is pending
since 2017 and any further pendency will not serve any
useful purpose. Accordingly, the same is taken up for
consideration and disposal.

The petitioner claimed to be a retired teacher, retired from **Silendra Sircar Vidyalaya (Govt. Spons.), Kolkata**. He claimed that **excess contribution was made from his own account by him to the extent of Rs.82,882.00 on account of Provident Fund**. Time and again he claimed refund of the said excess payment made by him along with interest.

Referring to the representation dated **September 29, 2016** made by the petitioner through his learned advocate, **Annexure-P6 at page 31 to the writ petition**, Mr. Manas Das, learned counsel for the petitioner submitted that, the said **representation has not yet been disposed of by the respondent no.2**.

Considering the submissions made on behalf of the petitioner, to subserve justice, the **respondent no.2 is directed to treat the said representation dated September 29, 2016, Annexure-P6 at page 31 to the writ petition** made on behalf of the writ petitioner through his advocate, as if the representation made by the petitioner and upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent no.4 and after giving them an opportunity of hearing, shall dispose of the representation 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.2

positively within a period of ***six weeks*** from the date of communication of this order.

The respondent no.2 then shall communicate the said reasoned order to the petitioner and the respondent no.4 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 writ petitioner in any manner. The petitioner and the respondent no.4 shall be at liberty to urge whatever points they wish to urge and shall rely upon whatever records and documents they wish to rely upon before the respondent no.2 but the same shall not travel beyond the scope of the said representation dated ***September 29, 2016***.

It is further made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive his claim as made in the representation strictly in accordance with law.

In the event the reasoned order of the respondent no.2 goes in favour of the petitioner, the entire payment as directed above shall be made to the petitioner ***positively*** within a period of ***two weeks*** from the date of communication of the said reasoned order to the petitioner along with interest @ 8% per annum from the date of the first demand notice by the petitioner till the date of actual tendering of the amount to the petitioner.

On the above terms this writ petition, **WPA 20636 of 2017** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)