

W.P.A. 25901 of 2018

**Santosh Das
Vs.
The State of West Bengal & Ors.**

Mr. Tulsi Das Ray
Mr. Tapan Ray
Mr. Tirthankar Ray
....for the petitioner

Mr. Subrata Ghosh
....for the State

Pursuant to the direction passed by this Court respondent nos. 5 and 6 were attempted to be served but the envelopes returned with endorsement “Refused”. Affidavit of service enclosing those envelopes is filed before this Court today and the same is taken on record.

Petitioner was an approved assistant teacher with effect from 1st May, 2001 and retired on superannuation on 30th April, 2019. Petitioner is claiming 18 years’ service benefit for rendering approved service from 1st May, 2001 till 30th April, 2019. It has been submitted on behalf of the petitioner that petitioner completed 18 years service on the date of his superannuation that was 30th April, 2019. Therefore, there should not be any impediment in granting 18 years’ service benefit in terms of the relevant provision.

It has also been brought to the notice of this Court that on superannuation of the petitioner retiral benefits have been released in favour of the petitioner reckoning

the last pay drawn by him excluding 18 years' service benefit. Therefore, petitioner has also prayed for revision of pensionary benefits upon issuance of revised Pension Payment Order after granting 18 years' service benefit in his favour.

The State-respondents are represented by learned advocate who has submitted that if the issue is referred to the appropriate authority of the Education Department the same could be considered in accordance with law.

Having considered the submissions made on behalf of the respective parties this Court finds that the petitioner has completed 18 years approved service on 30th April, 2019. Therefore, 18 years' service benefit is required to be granted in his favour.

Accordingly, the District Inspector of Schools (SE), Nadia being the respondent no. 3 is directed to pass an appropriate order granting 18 years' service benefit to the petitioner in accordance with law within a period of 8 (eight) weeks from the date of communication of this order. If 18 years' service benefit is granted in favour of the petitioner there will be upward revision of last pay drawn by the petitioner on the date of his superannuation which would require revision of pensionary benefits. Accordingly, the State-respondents are also directed to issue revised Pension Payment Order

in favour of the petitioner within 8 (eight) weeks thereafter, if necessary.

With the aforesaid directions, the writ petition 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.)