

Court No.
20.02.2023

(Item No. 30)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 27622 of 2022

Md. Nuhiruddin
VS
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Mousumi Hazra
.... For the petitioner

Mr. Sudipto Panda
Ms. Mummun Tewary
.... For the State

Mr. Sandip Kumar Bhattacharyya
Mr. Suman Basu
.... For respondent No. 5

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
.... For respondent No. 13

Affidavit of service filed in Court today, is
taken on record.

The petitioner claimed to be an **Assistant
Teacher at Nashipur High School (H.S.), District –
Murshidabad**. He had rendered his service for about
26 years since 1995. He retired on **July 31, 2021**.

Till today the petitioner had not been released
with his pensionary benefit.

In the previous round of writ litigation being
WPA 8760 of 2021 a co-ordinate bench by its order
dated **July 12, 2021** directed the jurisdictional
District Inspector of Schools to decide the issue by
considering the representation of the petitioner dated
August 15, 2021.

The Jurisdictional District Inspector of Schools passed its impugned order at page 104 to the writ petition with the following observation:

“In this context, it is required to mention that the school must give priority to the cases wherein the pension has yet not been finalized rather than deactivate themselves on the issue and wait for executive order since pension is social security measure, which must reach the deserving at the earliest.

*In the light of the above, he is again requested to submit the pension case of the petitioner as per provisions of **Para-4 (1-5) of G.O. No. 62-SSE/17 dt. 17.04.2017** (copy enclosed) so that the order of the Hon’ble High Court may be implemented true spirit and letter.*

This is urgent and top most priority should be given considering the weightage attached to it.”

Mr. Sarbananda Sanyal, learned advocate appears for respondent No. 13, School authority drew attention of this Court at **page 105** to the writ petition and first submitted that there was a serious allegation of defalcation of fund. It is equally true that no disciplinary proceeding was ever initiated against the petitioner neither any criminal or any legal proceeding was initiate against the petitioner at the instance of the relevant school.

He further drawing attention to **paragraph 4** at **page 104** to the writ petition and submitted that, a meeting was arranged by the School authority where the petitioner was called upon but the petitioner did not turn up. Such submission is being totally denied

and disputed by Ms. Gopa Biswas, learned advocate for the petitioner.

Be that as it may, it is the right of a retired employee to receive his pension. Pension is the property of the retired employee. No disciplinary proceeding was ever initiated against the petitioner neither any legal proceeding of whatsoever nature was also initiated against the petitioner by the School authority at any point of time till date. Even the provisional pension was also not released to the petitioner.

In view of the above, to sub-serve justice, the respondent No. 13 shall seat in a meeting with the petitioner during the period **between February 27 and 28, 2023 between 12.00 noon to 4.00 P.M** and shall prepare all the records and documents to enable the petitioner to receive his due pension for his employment career.

The respondent No. 13 then shall submit the records and papers before the respondent No. 4 positively on or before **March 3, 2023** upon a written intimation being made to the petitioner to this effect.

The respondent No. 4 then shall take all further, necessary and consequential steps to send all these records to the respondent No. 6 in accordance with law to release and pay the pensionary benefit to the petitioner forthwith but positively on or before **March 10, 2023.**

Upon receipt of such records and documents from the respondent No. 4 the respondent No. 6 shall take all steps to release and pay the pensionary benefit to the petitioner strictly in accordance with law on or before **April 10, 2023**.

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 being **WPA 27622 of 2022** stands disposed of.

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

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)