

24.03.2023
Item No.37
Ct. No.238
S.A.

WPA 28052 of 2022

Biswanath Dutta
-vs-
The State of West Bengal & Ors.

Mr. Golam Mastafa
...for the petitioner
Mr. Mit Guha Roy
...for the respondent nos.3, 4 & 5
Ms. Paramita pal
...for the State

The petitioner was a Library Peon at Vivekananda College in Thakurpukur, Kolkata.

The service of the petitioner was terminated with effect from 1st August, 2013 on the following grounds :

- “1. Neglect of duties.
2. Violation of orders regarding attendance and office discipline.
3. Insubordination, disregard and violation of orders of the superior authority.”

Though a prayer has been made in this writ petition challenging the said order of termination after about nine years, it appears that the petitioner at this juncture is interested only in releasing his terminal dues.

The College Authority has filed an affidavit. The affidavit makes it clear that a sum of Rs.6,18,746/- is lying in the provident fund account of the petitioner.

The college is willing to remit the amount to the petitioner provided the petitioner furnishes his necessary bank details. The petitioner, however, submits that he has not been paid any gratuity, leave encashment and arrear salary of 22 months.

It appears that the college, during pendency of the writ petition, has written a letter to the Director of Public Instruction seeking its opinion on the issue of gratuity and leave encashment given to that the petitioner was terminated from his service.

It appears that the petitioner has also made a representation before the Director of Public Instruction on November 12, 2022 for release of his arrear salary, leave encashment and other dues.

I am of the view that there is no justification to keep this writ petition pending and, therefore, I dispose of this writ petition with the following direction.

The petitioner shall furnish his necessary bank details along with other necessary documents to the college within two weeks from the date of this order for the purpose of releasing his provident fund dues. If such documents are furnished, the college will release the provident fund dues within a period of seven days thereafter.

With regard to the other dues, like gratuity, leave encashment and arrear salaries, the Director of

Public Instruction shall take a decision within a period of one month from the date of communication of this order. Before taking such decision, the Director of Public Instruction shall hear the college and the petitioner.

With these directions, WPA 28052 of 2022 is disposed of.

(Kausik Chanda, J.)