

93 01.02.2023
Sc Ct. no.22

WPA 28511 OF 2022

Santosh Kumar De

Vs.

The State of West Bengal & Ors.

Mr. Sourav Mitra

Ms. Sreyasree Choudhury.

.... For the Petitioner

Mr. Avishek Prasad

.... For the State

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

The petitioner claimed to be an **Assistant Teacher for the subject – English and retired as a Head Master from Kuchiakol R. B. Institution, District – Bankura**. The petitioner retired on March 31, 2021 and since then he has not been receiving his pension and connected retiral benefits. The petitioner made his representation dated September 22, 2022, **Annexure – P9 appearing at page 43 to the writ petition**. The said representation has not yet received any attention of the appropriate State authority. Relying upon the **documents at pages 39 to 42 to the writ petition**, Mr. Sourav Mitra, learned advocate appearing for the petitioner submitted that all these documents support the case of the petitioner that he would receive pension in terms of the Post Graduate scale from the last date of examination, i.e. **February 12, 1988**.

Mr. Mitra also drew attention of this Court to the alleged objections raised by the respondent State authority appearing at **pages 32 and 33 to the writ petition**. Drawing attention to **Annexure – P3 at page 19 to the writ petition** learned counsel has submitted that the petitioner duly applied on **September 10, 2020** to receive his pension through **e-pension** application.

Mr. Avishek Prasad, learned advocate appeared for the respondent nos. 1 to 8.

Considering the submissions made on behalf of the appearing parties and on perusal of the materials on record to subserve justice, the respondent no.2 is directed to consider and decide the case of the petitioner as made out in his **representation dated September 22, 2022, Annexure – P9 to the writ petition at page 43 thereto** upon giving at least seven days' prior hearing notice to the petitioner and then after granting him an opportunity of hearing shall decide the issue with a reasoned order strictly 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.

While considering the issue the **respondent no.2 shall consider the documents at pages 39 to 42 of the writ petition and their applicability on the case made out by the petitioner**. The **respondent no.2** shall

also consider the objections and its tenability raised by the said authority appearing at **pages 32 to 33 to the writ petition.**

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner will be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon **before the respondent no.2.**

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear further that the **respondent no.2** shall pass its reasoned decision in accordance with law.

After the reasoned decision is arrived at by the respondent no.2, the respondent no.2 then shall communicate the same to the petitioner and the respondent no.6 positively within a **further period of two weeks** from the date of the said reasoned decision and the respondent no.6 then in turn shall issue the necessary **Pension Payment Order (PPO)** in favour of the petitioner **positively within a period of seven working days** after receiving the reasoned decision from the respondent no.2.

The respondent no.6 then shall send the **PPO** to the respondent no.8, who in turn shall disburse and pay the pension and allied retiral benefits to the petitioner in

accordance with law positively within a period of two weeks after receiving the **PPO** from the respondent no. 6.

On the above terms this writ petition, **WPA 28511 of 2022** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)