

WPA 28522 OF 2022

Chandi Charan Karmakar

Vs.

The State of West Bengal & Ors.

Mr. Sourav Mitra

Ms. Sreeyasree Choudhury.

....For Petitioner

Mr. Bibek Jyoti Basu

Mr. Uttam Kumar De.

....For the State

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

The petitioner claimed to be a retired **Assistant Teacher** worked as the **Head Master at Joypur High School (H.S.), Bankura**. He retired on February 28, 2021.

The petitioner was an English Teacher and had acquired his Master of Arts degree in 1987. Approving the said degree of the petitioner the relevant memo was issued by the jurisdictional District Inspector of Schools dated **March 16, 1994 at page 19 to the writ petition**. In support, the relevant **Government Orders would appear at pages 33 and 34 to the writ petition**. Under the **Office Order, issued by the District Inspector of Schools dated December 23, 2021** according to the petitioner, the **petitioner was eligible to receive the Post Graduate scale of pay with effect from September 26, 1987**.

The petitioner contended that since after retirement the petitioner had not received his pension and the allied benefits on the basis of the said Post Graduate Scale with effect from September 26, 1987.

Drawing attention of this Court to page 27, ***Annexure – P4 to the writ petition***, learned advocate for the petitioner submitted that in view of the said audit observation made by the State authority the pension and allied benefits were not released to the petitioner.

The petitioner on September 22, 2022, ***Annexure – P10 at page 37 to the writ petition***, submitted a detailed representation before the respondent no.2. The same did not receive any attention of the State authority.

After considering the submissions made on behalf of the parties and on perusal of records, to subserve justice, the respondent no.2 is directed to consider the said representation of the petitioner dated September 22, 2022, ***Annexure – P10 at page 37 to the writ petition***, after 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 in the light of the case made out in the writ petition and the enclosures thereto 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 and the respondent no.2

then shall communicate his reasoned order to the petitioner and the respondent no.4 positively within a further period of two weeks from the date of the said reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioner, then the respondent no.4 shall take all necessary and consequential steps to give effect to the said reasoned order positively within a further period of four weeks from the date of communication of the said reasoned order to the respondent no.4.

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 shall be at liberty to urge whatever points he wishes to urge relying upon whatever documents and records he wishes to rely upon before the respondent no.2.

The respondent no.4 shall render all cooperation during the hearing if necessary.

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

This order shall not preclude the respondent nos. 4 and 6 to take steps to disburse the pensionary benefits and allied benefits to the petitioner arising out of his employment as admitted by the respondent authorities strictly in accordance in law without waiting for disposal of the petitioner's representation as directed above.

On the above terms, this writ petition **WPA 28522 of 2022** stands disposed of, without any order as to costs.

(Aniruddha Roy, J.)