

17 16.01.2023
RP Ct.No. 25

WPA 30181 OF 2016
+
IA No. CAN 1 of 2019 (Old No.CAN 10074 of 2019)
(application not found)

RAMESHWAR CHAKRABORTY
vs.
STATE OF WEST BENGAL & ORS.

Mr. Chandan Misra
Mr. Arun Kumar Chakraborty
... for the petitioner

Mr. Rama Prasad Sarkar
... for State

Mr. Ranjan Laha
.... For DPSC, Pachim Medinipur

The petitioner prayed for quashing of the disciplinary proceeding initiated against him and to disburse arrear salary together with interest thereon. However, during pendency of the writ petition an order of the Chairman, Paschim Midnapore District Primary School Council (in short "Council") dated January 19, 2017 was served upon the petitioner wherefrom it appears that the petitioner is deemed to have been reinstated in his post on and from 31.7.2014 and the period of suspension from 07.05.2007 to 31.07.2014 is to be treated as period spent on suspension as per Rule 13 of West Bengal Primary Education (Conduct of Service of Teachers of Primary Schools) Rules, 2001. The petitioner has filed a supplementary affidavit annexing the said order as well as the E-pension payment order dated November 29, 2017.

The petitioner claims to have submitted a

representation praying for release of arrear salary before the Chairman of the Council. The said representation has been annexed to the supplementary affidavit.

The learned advocate for the petitioner submits that though the petitioner has submitted a representation praying for release of his arrear dues, but the respondent authority has not taken any decision on such representation.

This Court is of the considered view that the interest of justice would be subserved if the concerned respondent authority is directed to take a reasoned decision on the representation of the petitioner dated 26.07.2022 which is appearing at page 11 of the supplementary affidavit and to communicate the same to the petitioner. Accordingly, WPA 30181 of 2016 is disposed of by directing the Chairman, West Midnapore District Primary Council, being the respondent no.4 herein, to consider the representation of the petitioner dated 26.07.2022 and to dispose of the same by passing a reasoned order after affording an opportunity of hearing to the petitioner or his authorized representative and to communicate the same to him. The entire exercise shall be completed within a period of six weeks from the date of communication of this order. The petitioner shall be obliged to supply a copy of the representation dated 26.07.2022 along with a copy of this order to the respondent no.4. Consequently, CAN 1 of 2019 (Old No.CAN 10074 of 2019) is disposed of.

Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)