

Sl No.16
27.02.2023.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 34 of 2023
Parbal Tigga
-versus
The State of West Bengal & Ors.**

Mr. Debajit Kundu
... for the petitioner.

Mr. Subir Kumar Saha
Mr. Momenur Rahman
... for the State.

The petitioner is a retired teacher of a primary school. His grievance is that his pension has not been commuted. The same is allegedly on account of non submission of medical documents of the petitioner.

The petitioner relies upon the communication made by the Sub-Inspector of Schools, Dhupguri-IV Circle in favour of the Block Medical Officer of Health, Dhupguri Rural Hospital and the Certificate of Fitness issued by the said hospital in favour of the petitioner on December 11, 2020 mentioning that the petitioner is fit and the certificate has been issued for the purpose of sanction of commutation of pension.

After receipt of the e-Pension Payment Order in February 2022 the petitioner filed representation before the respondent authorities in August 2022 praying for allowing the commutation of pension. The same is pending consideration till date.

Learned advocate representing the respondents is yet to receive instruction.

As it appears that the petitioner's prayer for commutation of pension is pending consideration at the end of the respondent authorities, accordingly, the present writ petition is disposed of by directing the District Inspector of Schools (P.E.), Jalpaiguri to consider the prayer of the petitioner seeking commutation of pension after taking into account the documents in support of his prayer, in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of his representation.

Learned advocate for the petitioner is directed to forward copy of the representation dated August 5, 2022 along with all documents in support of his prayer for commutation to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

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

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(Amrita Sinha, J.)