

22
10.04.2023
SB
Ct. No. 2

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

W.P.A. 484 of 2023

Sri Sunil Kumar Jana
-versus-
State of West Bengal & Ors.

Mr. Anindita Das
...For the Petitioner

Mr. Hirak Barman
Mr. Bikramaditya Ghosh
...For the State

Mr. Baidurya Ghosal
Mr. Chitra Bhanu Gupta
...for respondent no. 7

The petitioner claimed to be a retired Associate Professor and Teacher-in-Charge, who retired from one Ananda Chandra College of Commerce, Jalpaiguri. The petitioner retired on January 31, 2022. The petitioner claimed that portion of the Provident Fund has already released. The balance remains unpaid.

The petitioner claimed that the pension had not yet been released at all.

The petitioner had served the employer for about thirty-two years.

The petitioner had submitted a representation dated January 11, 2023 (**Annexure P-10 at page 84 to the writ petition**). He claimed that the said

representation still lying without receiving any attention of the State Authorities.

In view of the above, to sub-serve justice, the respondent no. 3 is directed to decide the said representation of the petitioner dated January 11, 2023 **(Annexure P-10 at page 84 to the writ petition)** upon giving atleast prior seven days notice to the petitioner and upon giving an opportunity of hearing to the petitioner shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent no. 3 positively within a period of four weeks from the date of communication of this order.

The respondent no. 3 then shall also consider and furnish the petitioner the details of the provident fund dues should have been paid to the petitioner by the employer and after adjusting the amount already paid to the petitioner, shall also come to a conclusion, as to what quantum is still payable to the petitioner on account of provident fund also.

It is made clear that this Court has not gone into the merit of the claim of the petitioner in any manner and the petitioner shall 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. 3.

The relevant college authority, that is, respondent no. 7 if require shall be called upon by the respondent no. 3 and shall ensure all the possible co-operation so that the employment benefit can be released to the petitioner forthwith.

After passing the said reasoned order all the relevant authorities namely, respondent nos. 4 and 5 and any other required authority shall forthwith disburse and pay the petitioner all his retiral benefit payable to him upon receiving the bank particulars from the petitioner positively within a period of three weeks from the date of communication of the said reasoned order to the respective authorities.

It is needless to mention that the appropriate authorities shall continue and go on paying the petitioner the regular pension without any default henceforth.

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 however needless to mention that there was an F.I.R. lodged by the relevant college authority against the petitioner for an alleged misappropriation of a sum of Rs.1,20,000/- and odd. However, there was no disciplinary proceeding initiated by the relevant college authority as of now. Such fact will not preclude the petitioner to receive his employment benefit neither the

respondents shall be precluded to release and pay the
retiral benefit to the petitioner.

On the above terms this writ petition being **W.P.A.
484 of 2023** stands disposed of, without any order as to
costs.

(ANIRUDDHA ROY, J.)