

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

WPA 954 of 2022

**Jaya Das Gupta
-Versus-
State of West Bengal & Ors.**

**For the Petitioner : Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah**

**For the State : Mr. Bikramaditya Ghosh,
Ms. Bedashruti Bose**

Heard & Judgment On : 9th February, 2023.

Bibek Chaudhuri, J.

Affidavit-of-service filed in Court today be kept with the record.

The writ petitioner is a retired Assistant Teacher of a Government aided school. She joined her service on 3rd August, 1981. After prolonged service she retired on superannuation on 31st March, 2021. It is not in dispute that the petitioner had no special training and she falls under the category of untrained teacher.

It is the case of the petitioner that six month before her date of retirement she was asked to submit her pension paper and she accordingly submitted her pension papers before the respondent no. 7

physically. The said documents were uploaded in the e-portal by the respondent Authority. The grievance of the petitioner is that she has not received any retiral benefit except provident fund till date. The respondent no. 6 has submitted a report stating, *inter alia*, that the pension file of the petitioner was returned back putting objection from Accounts Department as there was some discrepancy in respect of the grade pay.

Even assuming but not admitting that there was discrepancy in the grade pay it is the duty of the pension payment authority to rectify, fix the last pay entitled to be drawn by the petitioner and on the basis of such entitlement the respondent no. 7 is under obligation to release the pension of the petitioner. Even if there is any discrepancy it is the respondents who is under obligation to rectify in respect of last pay drawn and the rate of pension and other benefits.

It is submitted by the learned Advocate for the State respondent that the petitioner during her service period overdrew some amount towards his pay and other emoluments which she is bound to repay at the time of issuance of pension order. The learned Advocate for the petitioner has raised vehement objection against such submission made by the learned Counsel for the State.

As the pension paper has already been uploaded in the e-portal, respondent no. 7 is directed to issue order in respect of payment of

pension and other retiral benefit of the petitioner within six weeks from the date of this order.

It is made clear that while passing the order this Court has not taken note of applicability of relevant G.O. and the respondents are at liberty to calculate the pension of the petitioner independently without being influenced in any way by this order but strictly according to the timeframe.

Petitioner is at liberty to act on the server copy of the order.

The instant writ petition is, thus, disposed of on contest, however, without cost.

(Bibek Chaudhuri, J.)

Srimanta, A.R.(Ct.)
Item No. 05.