

10-08-2023
Court No.2
Sh/17.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

W.P.A. 1144 of 2023

**Smt. Radha Debnath @ Smt Radha Chakraborty.
-Vs-
Sub-Inspector of Schools & Ors.**

Mr. Rounak Paul.

..For the Petitioner.

Mr. Hirak Barman,
Ms. Bedashruti Bose.

.. For the State.

Affidavit of service filed in Court today be taken
on record.

Heard learned counsels for the parties.

The petitioner was appointed as Group-D employee at Shishuniketan Primary School, Jalpaiguri, under the Sadar East Circle, Jalpaiguri and superannuated on 30th April, 2022. Despite complying with all statutory requirements, no pension or gratuity has been paid to the petitioner till date. The petitioner received a memo on 5th September, 2022 addressed to the Secretary, District Primary School by the Office of the Sub Inspector of School, Sadar East Circle, Jalpaiguri, wherein objection was raised against the service book of the petitioner to the effect that "approval of appointment from State/School Education department be annexed".

The petitioner submitted a representation before the concerned authority through her learned counsel on 22nd December, 2022 which was also not

considered. The petitioner seeks a direction upon the respondents for disbursal of her pension and gratuity.

Placing reliance upon the written instruction received by him, learned counsel for the State respondents submits that the pension papers of the petitioner were returned by the AD accounts by raising certain objections which were met by the authority and the matter was sent to the Commissioner of School Education, West Bengal vide memo dated 18th October, 2022, 21st February, 2023 and 13th April, 2023 respectively. No further communication has been received by the District Inspector of School till date. The Secretary, District Primary School Council, Jalpaiguri by a letter issued on 16th September, 2022 to the Commissioner of School Education has also requested necessary approval in respect of the pension case of the petitioner. Such approval is yet to be received.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is inclined to hold that since the matter relating to the retiral benefits of the petitioner including pension and gratuity is pending approval before the Commissioner of School Education being the 9th respondent herein, the said respondent be directed to accord such approval within a stipulated time frame.

The writ petition is, accordingly, disposed of directing the 9th respondent to accord necessary approval with regard to the retiral benefits of the petitioner including pension and gratuity and return the same to the 3rd respondent within two weeks from

the date of communication of this order. The 3rd respondent is directed to send the said approval along with relevant documents to the 5th respondent within ten days from the date of receipt thereof for issuance of Pension Payment Order in favour of the petitioner. The 5th respondent should, in turn, take necessary steps for issuance of Pension Payment Order in favour of the petitioner within two weeks therefrom.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Since the 9th respondent is not represented, a copy of this order alongwith copies of all relevant documents be served upon him by the petitioner at the earliest.

With the above observation and direction the writ petition being WPA 1144 of 2023 is disposed of.

There shall be no order as to costs.

Since no affidavit has been called for, the allegation contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties expeditiously on compliance of all requisite formalities.

(Suvra Ghosh, J.)