

12-10-2023
Court No.3
Sh/1.

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

W.P.A. 2181 of 2023

Sri Rabindra Nath Sardar.

-Vs-

Union of India & Ors.

Mr. Sandip Mandal,
Mr. Abhilash Mittal.

For the petitioner.

Mr. Sudipto Kumar Mazumdar, DSGI
Mr. Ajay Kumar Singhania,
Mr. Sudip Kumal Paul.

For the respondent nos.1,2 & 3

Mr. Momenur Rahaman.

For the respondent Nos.6 & 7

Mr. Subir Kumar Saha.

For the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner has filed this instant writ petition with a prayer to direct the respondents to disburse the disability pension of the petitioner in accordance with PPO No. D/RA/14239/92, which was issued by the respondent no.2 on and from the month of October, 1995 and interest thereon.

It is the contention of the petitioner that the petitioner had served as Group-D staff in the Office of the respondent no.2 on and from June 9, 1971. But subsequently, he was discharged from the service due to medical unfitness. The PPO was issued and disability pension of Rs.51/- was fixed for the period of 05-07-1972 to 02-07-1974 and thereafter Rs.40/- for the period of 09-01-1972 to 27-12-1991, thereafter it

was further fixed pension of Rs.90/- only to the petitioner for the period 27-12-1991 till life.

It is further contention of the petitioner that the petitioner had received his pension up to the month of September, 1995. Thereafter his pension was stopped. As a result, the petitioner came before this Court with the aforesaid prayer. The petitioner also made several representations to the concerned authority time and again but in spite of expiry of a considerable period of time his prayer was not considered by the respondents on the plea that the disability pension papers of the petitioner had been misplaced from the Office of the respondent no.7. The petitioner is entitled to get the pension from October, 1995 along with interest.

On the other hand, Mr. Sudipto Kumar Mazumdar, learned advocate appearing on behalf of the respondent nos.1,2 and 3 submits that the pension papers of the petitioner could not be traced out and the same has been misplaced. Accordingly, a direction may be passed to the respondent no.4 to consider the prayer treating the writ petition as representation of the petitioner.

Having heard the submission of the learned advocates for the parties and on perusal of the entire records it appears to this Court that the grievance/prayer of the petitioner is genuine and reasonable.

Accordingly, the respondent no.4 is directed to consider this writ petition along with annexure thereto as a representation of the petitioner upon giving an opportunity of being heard to the petitioner through

his Id. Advocate if appointed and other concerned authorities within eight weeks from the date of communication of this order and pass a reasoned order to that effect. The respondent no.4 shall communicate its decision to the petitioner within a week from the date of passing such order.

It is made clear that this Court has not gone into the merits of case and the respondent no.4 is free to consider the aforesaid representation without being influenced by any observations made in this order in accordance with law.

Since no affidavits have been called for the allegations contained in this writ petition shall be deemed not to have been admitted by the respondents.

Accordingly, WPA 2181 of 2023 is disposed of with the aforesaid observations and direction.

There will be no order as to costs.

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

(Ajay Kumar Gupta, J.)