

13-10-2023
Court No.3
Sh/6.

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

W.P.A. 2393 of 2023

Birendra Kumar Rai.

-Vs-

D.I. of Schools (SE) & Ors.

Mr. Krishna Singh,
Mr. Sudhindra Das.

For the petitioner.

Mr. Subir Kumar Saha, AGP,
Mr. Momenur Rahaman.

For the State.

The petitioner has filed this writ petition against non-disbursement of service retiral benefits though he was allowed provisional pension on and from 22-11-2022. The petitioner was an Assistant Teacher (Math) in Adarsh Vidyamandir, Banorhat, Jalpaiguri and served in the said School for a considerable period of 32 years without any adverse report. The petitioner was retired from the said service on 31st May, 2022. During his service period he was also promoted as Assistant Headmaster in the year 1990- 1991. The petitioner conducted a course of Bachelor of Training (BT) in the university and got appointment as Assistant Teacher in the said School and joined the said School on 08-12-1990. The said BT course was completed successfully after getting the approval from the department. The petitioner was illegally not allowed to get the benefit of interest though original pension has been released and he has been getting Rs.25,000/- as provisional pension on and from 22-11-2022.

No other retiral benefits to the petitioner has been paid till date. Accordingly, he came before this Court with a prayer to direct the concerned authority to issue PPO, release and disburse the retiral benefits to the petitioner and full pension together with interest thereon.

In this regard the petitioner had made several requests to the concerned authorities and finally made a representation on 19-05-2023 to the District Inspector of Schools (SE) Education, Jalpaiguri, Mahanto para, Jalpaiguri, West Bengal to consider his case.

Even making such representation the departments did not consider and allow to release his service benefit. Ld. Advocate appearing on behalf of the petitioner seeks necessary direction upon the respondents.

On the other hand, learned advocate appearing for the respondents submits that he has to take instruction on this issue.

However, this Court did not find any reason to keep this writ petition pending when there is a clear case of the petitioner that no retiral due has been disbursed till date. The respondents can consider his representation and pass a reasoned order in accordance with law.

Taking into consideration of the above facts and circumstances of the case, the respondent no.1 is

directed to consider the representation of the petitioner as annexure P-5 dated 19-05-2023 along with other annexure appended with the writ petition upon giving an opportunity of being heard to the petitioner through his Id. Advocate, if appointed, and other concerned authorities within ten weeks from the date of communication of this order and pass a reasoned order to that effect. The respondent no.1 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.1 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 2393 of 2021 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.)

