

10 08.07.2024
NB Ct. 17

WPA 7015 of 2022

Atanka Bhanjan Jana & Ors.
Vs.
The State of West Bengal & Ors.

Mr. S. P. Dalapati,
Mr. Asumdipta Santra.
...for the petitioners.

Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey.
...for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

An order dated 25.02.2021 passed by the Joint Secretary, Department of Technical Education, Training and Skill Development, as filed on behalf of the State, is also taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are contractual/part time teacher/instructor in Vocational Education and Training appointed by the respondent authorities throughout the State of West Bengal through Government Notifications published in 2005 and 2007. The petitioners services were fixed to be terminated in terms of notification dated 20.11.20218 upon attaining the age of 60 years. In terms of Government Notification dated 15.07.2019 certain benefits were accorded to such employees. The petitioners superannuated in 2020. They made a request for release of terminal benefits and arrears before the concerned respondent authorities by

respective communications, but these letters were not even responded to.

Learned counsel appearing on behalf of the State relies on an order dated 25.02.2021 as referred to earlier and submits as follows. The memorandum, a copy of which has been annexed to the writ petition, is not applicable to the present petitioners. It has to be matched by corresponding orders of each of the departments. But, the termination for such engagement at the age of 60 years as contained in the notification of 2018 is quite applicable. However, by an order dated 25.02.2021, the earlier notification was superceded and certain other benefits were granted although prospectively. Since the petitioners claimed to have retired since 2020, they would at best entitled to the benefit of the notification regarding retirement age.

It appears that the petitioners had made representations about release of retiral benefits and arrears before the concerned authorities. These have not been responded to.

In view of the above, the respondent no.3 shall consider the representations made by the petitioners in this regard and decide the same within a period of four weeks from the date of communication of this order. Within a week thereafter, they shall communicate the decision to the petitioners.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

