

04.07.2024
Court No.13
Item No.20
AP

**WPA 8090 of 2017
With
IA NO: CAN 2 of 2022**

**Maya Roy Adhikari
Vs.
The State of West Bengal & Ors.**

Mr. Asim Kumar Niyogi
Mr. Amit Kumar Mishra
Mr. Amit Banerjee
Mr. Vaskar Pal

... For the Petitioner.

Mr. Jahar Lal De
Mr. Srikanta Paul

... For the State.

1. The petitioner was suspended from service upon being detained beyond a period of 48 hours in connection with Sessions Case No.11 of 2002. The petitioner was acquitted by a Division bench of this Court in CRA 161 of 2008 and was released from Womens' Correctional Home at Alipore on 23rd July, 2016.

2. When the petitioner wanted to join her school back, the DPSC, Hooghly insisted that the petitioner should produce the appointment letter, the joining report and the order of suspension.

3. There was a complaint filed with the Pursurah Police Station that when the petitioner and her son were in custody, all documents in connection with the qualifications and service have been stolen or lost from her house.

4. By the time of acquittal on 21st March, 2016, the petitioner had already superannuated from service on 30th June, 2011. The respondents, DPSC, Hooghly and the State, for reasons too obvious did not institute disciplinary proceedings since the subject matter of criminal proceedings against the petitioner did not arise out of any action of her service in the school.

5. The petitioner has admittedly served as an Assistant Teacher under the DPSC, Hooghly from December 1980 till January, 2002 and shall be deemed to be in service till her retirement in the year 2011. For the period, however, from January 2002 till June 2011, the petitioner shall be entitled only to 50 percent of the salary. The salary of the petitioner shall, however, be calculated notionally to the full extent till the date of her retirement on 30th June, 2011.

6. In the above, circumstances, this Court directs the SI of Schools, Hooghly in consultation with the Head Teacher of Jangalpara Pallymangal Primary School, Jangalpara, Hooghly, notionally calculate the last drawn pay of the petitioner as if she was in service for the entire period from 1980 to 30th June, 2011 and forward the same to the DPPG, West Bengal within a period of 8 weeks from the date of receipt of a copy of this order along with a copy of the writ petition.

7. In so far as the arrears of salary are concerned, the writ petitioner shall be paid 50 percent of the monthly

salary and emoluments together with all revisions from the date of suspension of the petitioner till 30th June, 2011 i.e. date of superannuation by the DI of Schools (SE), Hooghly.

8. The Head Master of the Jangalpara Pallymangal Primary School, Jangalpara, Hooghly, shall forward a bill based on the above to the DI of Schools (SE), Hooghly within a period of four weeks from the date of receipt of a copy of this order along with a copy of the writ petition.

9. Let all the arrears of salary as indicated above be paid to the petitioner within a week thereafter.

10. Upon receipt of the calculations from the DI of Schools (SE), Hooghly, the DPPG, West Bengal shall issue PPO to the petitioner within a period of three weeks thereof.

11. The suspension of the petitioner shall be deemed to have been revoked and the appointment shall be regularised from the date of suspension till the date of superannuation of the petitioner.

12. The petitioner shall also forward a copy of this order along with a copy of the writ petition to the DPPG, West Bengal.

13. Let arrears of pension be paid to the petitioner from 1st July, 2011 till the date of actual payment

together with interest at the rate of 7 percent per annum within a period of one month from the date of issuance of PPO. In default, the rate of interest shall stand increased to 9 percent.

14. Other terminal benefits including gratuity etc. shall be released and paid by the DPPG, West Bengal to the writ petitioner within a period of one month from the date of issuance of PPO.

15. With the aforesaid observations, the writ petition is disposed of.

16. In view of the disposal of the main writ petition, connected applications, if any, shall also stand disposed of.

17. There shall be no order as to costs.

18. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)