

21.06.2024
Ct. No. 2
Sl. No. 112
tbsr

WPA 15606 of 2023

Sanatan Sahoo
Vs.
The State of West Bengal & Ors.

Mr. Apurba Kumar Chakraborty
Mr. Ujjal Kanti Jana
....for the petitioner

Mr. Avishek Prasad
....for the State

Affidavit of service, filed in Court today, is taken on record.

The petitioner initially was appointed as a chowkidar at the relevant Panchayat. Then the petitioner had worked as a Panchayat Karmee. On the basis of a government memorandum dated **July 2, 1997, Annexure P-5 at page 42** to the writ petition, the petitioner claims benefit thereunder. The petitioner has retired on **January 31, 2022**. The petitioner submits that the representation was made on **September 21, 2022, Annexure P-7 at page 48** to the writ petition before the respondent no. 6 and the same has not yet been considered.

The petitioner submits that the pension payment order has already been issued in his favour.

Mr. Avishek Prashad, learned State counsel appears for respondent nos. 1 to 7.

None appears for the rest of the respondents including the Panchayat and its Pradhan.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record, to sub-serve justice, the petitioner is directed to serve a copy of this writ petition further upon the respondent no. 7.

The respondent no. 7 then shall upon issuing a prior hearing notice of at least **seven days** to the petitioner and the respondent nos. 9 and 11 and after giving them an opportunity of hearing shall decide the said representation dated **September 21, 2022** at **page 48** to the writ petition as referred to above by passing a reasoned order.

The entire exercise, as directed above, shall be carried out and completed by the respondent no. 7 positively within a period of **six weeks** from the date of receiving a copy of the writ petition along with a copy of today's order from the petitioner. The respondent no. 7 then shall communicate its reasoned order to the petitioner and the respondent nos. 9 and 11 positively within a further period of **two weeks** from the date of passing the said reasoned order.

It is made clear that this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he

wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no. 7.

In the event, the reasoned order goes in favour of the petitioner, then the respondent no. 7 shall take all necessary and consequential steps in the matter and send the reasoned order to the respondent no. 13 positively within a period of **three weeks** from the date of communication of the said reasoned order to the parties.

The respondent no. 13 in turn shall take all necessary and consequential steps to revise the fixation of pay and issue the revised pension payment order positively within a period of **two weeks** from the date of receiving the said reasoned order from the respondent no. 7.

It is made clear that this order shall not create any right or equity in favour of the petitioner in the event the petitioner is not eligible to receive his claim in terms of his representation dated **September 21, 2022** strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

In the event, it is found that, any arrear is payable to the petitioner, the respondent no. 7 shall

communicate the same to the jurisdictional Treasury Officer who shall take all necessary and consequential steps to release the same and to pay the petitioner forthwith **along with interest @ 6% per annum** from the date of eligibility of the petitioner to receive such arrear till the date of tendering of actual payment positively within a period of **four weeks** from the date of receiving communication from the respondent no. 7.

With the above observations and directions, this writ petition, **WPA 15606 of 2023** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)