

42 09.7.2024
Sc Ct. no.2

WPA 16828 OF 2024

Rekha Rani Maity

Vs.

The State of West Bengal & Ors.

Mr. Rabilal Maitra
Mr. Amlan Mukherjee
Mr. Rajit Lal Maitra.

... For the Petitioner

Mr. Gourav Das
Md. Nauroz Rahber.

...For the Respondent
Nos.1 to 5

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

The petitioner has been employed as a **Supervisor** at the **ICDS Project – Khejuri II**. She is going to retire nearly after a month, i.e. sometime in **August, 2024**. The petitioner has challenged the coercive steps taken by the employer through the impugned communication dated **June 13, 2024, Annexure-P12 at page 37** to the writ petition.

Mr. Rabilal Maitra, learned senior counsel appearing for the petitioner submits that, the amount claimed for a sum of **Rs.2238/-** has already been deducted by the employer from the salary of the petitioner. He submits that, there is no further claim at least claimed to have been outstanding from or payable by the petitioner.

In the light of the above, he submits that, the employer shall take all necessary steps for preparation of pension papers and the allied required steps for the petitioner who shall retire in the month of **August, 2024** without any stigma and fetter.

Mr. Gourav Das, learned State counsel appearing for the respondent nos. 1 to 5, on instruction, has confirmed that, the said sum has already been deducted from the salary of the petitioner.

After considering the submissions made on behalf of the parties and upon considering the materials on record, it appears to this Court that, the petitioner with an unblemished career record has performed her employment for a substantial period of her life. The retirement of the petitioner is sometime in **August, 2024**, nearly a month after. The amount for a sum of **Rs.2238/-** claimed by the employer has also been deducted by the employer.

In view of the above, subject to verification of the records by the respondent no.5 if it is found that, the said sum of **Rs.2238/-** has already been deducted from the salary of the petitioner and if not deducted, subject to deduction of the said sum from the salary of the petitioner for the month of **July, 2024**, the respondents shall allow the petitioner to retire without any stigma and fetter upon compliance of all other statutory requirements and formalities. In such event, the respondent no.5 shall

prepare all the pension papers of the petitioner and shall certify the completion of the Service Book of the petitioner in accordance with law and shall transmit the same forthwith positively before the relevant and appropriate department of the State so that, all terminal and retiral benefits can be released to the petitioner after retirement without any fetter or stigma and in accordance with law.

It is needless to mention that, the petitioner shall also render all her assistance to her employer for preparation of pension papers and Service Book, if she is called upon by the respondent no.5.

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

However, considering the special circumstance this order is being passed and the same shall not be treated as precedence.

With the above observation and direction this writ petition, **WPA 16828 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)