

Ml- 13.06.2024
111 Ct.18
rkd

W.P.A. 17686 of 2022

Santi Ram Mukhopadhyay

-vs-

The State of West Bengal & Ors.

Mr. Soumik Ganguli,
Ms. Chandana Chakraborty

....for the petitioner.

Mr. Sayan Ganguly

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Since no one is representing the State
respondents Mr. Sayan Ganguly, learned advocate
who is Government paneled advocate is requested
to represent the State respondents since he has
entered appearance in a similar matter which has
been disposed of just now.

The Office of the learned Government
Pleader is directed to regularize the engagement of
Mr. Sayan Ganguly, learned advocate.

In the writ petition order of the Sub-
Divisional Officer, Bishnupur Sub-Division,
District-Bankura dated 27th May, 2022 is under
challenge. Vide said order dated 27th May, 2022 the
Sub-Divisional Officer being respondent no.8 came
to a finding that the petitioner has drawn

Rs.2,41,141/- in excess while functioning as Guest Teacher in Patrasayer Government Model School, District –Bankura.

The learned advocate representing the State respondents has made an attempt to defend the decision of the respondent no.8. According to the State respondents as it has been submitted by the learned advocate that the pension paid to the petitioner in connection with his service which he rendered as approved Teacher prior to his engagement as Guest Teacher in Patrasayer Government Model School and it has been found by the State respondents that the said pension is required to be deducted from the remuneration of the petitioner while he functioned as Guest Teacher.

At first blush, it transpires that the impugned memo dated 27th May, 2022 is a cryptic order which is devoid of cogent reasons. The respondent no.8 has stated that discrepancy has been found but the basis of such discrepancy while calculating the excess drawn amount which was paid to the petitioner has not been explained in the memo dated 27th May, 2022. Since the right of retired teacher to get the remuneration while working as Guest Teacher is prejudiced in view of

the decision of the respondent no.8 as contained in the memo dated 27th May, 2022; the respondent no.8 is required to assign cogent reasons and explain the discrepancy in order to come to a finding that how the computation has been made wherefrom it was detected that excess amount was paid to the petitioner.

In view of the fact that the impugned memo dated 27th May, 2022 is bereft of cogent reasons, the same stands set aside.

The respondent no.8 is directed to take decision afresh in accordance with law within a period of eight weeks from date after granting opportunity of hearing to the petitioner or his representative.

The writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)