

27.02.2024
Item No.27
Court No.18
AJ.

W.P.A. 19379 of 2023

Sudhir Kumar Suman
-Vs-

The State of West Bengal & Ors.

Mr. Sandip Kumar De,
Mr. Abhijit Sarkar.

... for the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.

....for the State.

The petitioner was the Headmaster of Benachity
Netaji Vidyalaya, Durgapur, District : Paschim Bardhaman.

On attaining the age of superannuation, he has retired
from his said service on April 30, 2023.

The petitioner is complaining delay in disbursement
of his pensionary benefits.

The dispute with regard to the entitlement of the
petitioner to get the post graduate scale of pay which he had
received till his retirement is causing the delay complained
of.

Learned Advocate for the State was directed to get
instruction on the issue from the District Inspector of
Schools (S.E.), District-Purba Bardhaman, the respondent
no.4 herein.

Such instruction is filed on behalf of the said
respondent, let it be kept with the record.

It appears from the said instruction that the pension
sanctioning authority, the respondent no. 4 has raised an
objection to the grant of post-graduate scale of pay to the
petitioner as the said scale was provided to him without

according approval of the District Inspector of Schools (S.E.), Barrackpore, District : 24-Parganas (North), the respondent no.6 herein within whose jurisdiction the petitioner was working at the relevant point of time upon completion of the Master's degree in the relevant subject.

It further appears from the said instruction that the said respondent declined to accept the resolution of the Managing Committee of the present school of the petitioner forwarded to the said respondent for approval of such post graduate scale of pay. The said respondent, by the said instruction, suggested that a prayer mentioning the last date of Master's degree examination of the petitioner and post facto approval for fixation of post graduate scale of pay is necessary.

While raising the objection to the entitlement of the petitioner to get the said post graduate scale of pay, it has escaped the notice of the respondent no. 4 that the following sub-paragraph (3) was included in paragraph 16 of G.O No. 33-Edn.(B) dated March 07, 1990 vide Government Order No. 401-Edn. (B) dated September 10, 1990 read with Circular No. 216-Edn(B) dated May 13, 1992:-

“(3) All teachers and librarians of Secondary Schools who have improved/will improve their qualification or who were appointed with higher qualification in the subject or group relevant to their teaching/appointment shall get higher scale of pay appropriate to their qualification with effect from the 1st January, 1986 or the date of improving qualification whichever is later.”

The petitioner, in terms of the above quoted sub-paragraph(3) is entitled to the post graduate scale of pay

notwithstanding such scale of pay was provided to him without the approval of the concerned District Inspector of Schools, therefore, the procedure suggested by the respondent no.4 to get the post facto approval of the post graduate scale of pay is not necessary.

Accordingly, the respondent no.4 is directed to process the pension papers on the last drawn pay scale of the petitioner within a period of six weeks from the date of communication of this order and to take forward steps for issuance of the necessary pension payment order in his favour.

WPA 19379 of 2023 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)