

24.06.2024
Court No. 18
Item No. 01
(Suvendu)

WPA 19843 of 2022

Krishna Ray

-Versus-

State of West Bengal & Ors.

Mr. Syamal Kumar Das

Mr. Ajoy Barman Roy

.....for the petitioner

Mr. Arindam Chattopadhyay

Ms. Lipika Chattopadhyay

....for the State

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

In the writ petition the petitioner has prayed for payment of retiral dues on condonation of shortfall of qualifying service of the petitioner as an Assistant Teacher of a Government aided High School since the petitioner joined the post of Assistant Teacher on 3rd December, 2013 and retired on superannuation on 31st December, 2021 and the length of service of the petitioner as Assistant Teacher is 8 years 29 days.

On behalf of the petitioner it is submitted that prior to joining the post of Assistant Teacher petitioner worked as para teacher from 3rd January, 2005 till 2nd December, 2013. It has been submitted on behalf of the petitioner that while counting length of service of the petitioner for release of pension past service of

the petitioner as para teacher from 3rd January, 2005 till 2nd December, 2013 needs to be reckoned with for computing the approved service of the petitioner as an Assistant Teacher for a period of ten years which would make the petitioner entitled to receive retiral dues.

The State respondents are represented by the learned advocate.

Having considered the submission made on behalf of the parties, leave is granted to the petitioner to make a comprehensive representation to the Secretary, School Education Department being the respondent no. 1 within a period of fortnight from date praying for release of pension on reckoning period of service of the petitioner as para teacher which she rendered prior to joining to the post of Assistant Teacher. If such representation is made within the aforesaid time by the petitioner, the Secretary shall take decision within eight weeks from the date of receipt of such representation after granting opportunity of hearing to the petitioner or her representative. The reasoned decision to be taken by the Secretary shall be communicated to the petitioner within one week thereafter.

The petitioner shall be at liberty to rely upon the relevant orders passed by this Court on this issue before the Secretary at the time of consideration of the matter.

With the above observations and directions, the writ petition stands disposed of.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)