

03.09.2024
Court No. 18
Item No. 07
(Suvendu)

WPA 20292 of 2024

Sajahan Ali Molla

-Versus-

The State of West Bengal & Ors.

Mr. Sukumar Ghosh

Mr. Sandip Ghosh

Ms. Moumita Ghosh

.....for the petitioner

Mr. Supriyo Chattopadhyay, Ld. AGP

Ms. Sayantanee Bhattacharjee

.....for the State

Mr. Kunal Ganguly

.....for the WBBSE

By presenting this writ petition petitioner has prayed for payment of interest for delayed payment of pension and gratuity based on Pension Payment Order dated 11th April, 2018.

Learned advocate representing the petitioner submits that service of the petitioner as an Assistant Teacher from 17th February, 2004 was approved by the concerned District Inspector of Schools vide memo dated 27th February, 2017 till the date on which petitioner attained age of superannuation. It is submitted that petitioner retired on superannuation on 31st

January, 2015. The claim of the petitioner is payment of interest due to delay occurred in releasing pension and gratuity after petitioner's superannuation on 31st January, 2015 in terms of Pension Payment Order dated 11th April, 2018. It is further contended that in spite of petitioner's superannuation on 31st January, 2015 Pension Payment Order was issued on 11th April, 2018, therefore, if interest on pension and gratuity is not granted from 1st February, 2015 same needs to be granted from the date of issuance of approval memo in favour of the petitioner that is 27th February, 2017.

Mr. Chattopadhyay, learned Additional Government Pleader opposes prayer of the petitioner on the ground that delay occurred in releasing pension and gratuity is not attributable to the State respondents since post-facto approval was granted by the concerned District Inspector of Schools in terms of the order of the Hon'ble Court. According to the State respondents, when post-facto approval was granted vide memo dated 27th February, 2017 petitioner already retired on attaining age of superannuation with effect from 31st January, 2015.

Having considered respective submissions made on behalf of the parties, this Court needs to examine whether delay occurred in releasing pension and gratuity is attributable to the State respondents or not.

On chronology of facts it appears that service of the petitioner was approved retrospectively with effect from 17th February, 2004 till 31st January, 2015 being the date of superannuation of petitioner by issuing approval memo dated 27th February, 2017. Therefore, it transpires on 31st January, 2015, when petitioner retired on superannuation, petitioner was not an approved teacher and subsequently approval was granted vide memo dated 27th February, 2017. Therefore, State respondents prior to 27th February, 2017 was not in a position to process pension case of the petitioner.

It is usual practice that for releasing pensionary benefits process commencing from school authority till issuing of Pension Payment Order by the office of the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal requires reasonable time. It is submitted that in terms of relevant

Government Circular relating to processing pension case of a teacher eighteen months period is normally required.

In the present case, after post-facto approval on 27th February, 2017 Pension Payment Order was issued on 11th April, 2018. Since it is prior to period of eighteen months, this Court does not find delay in releasing pension and gratuity to the petitioner which is attributable to the State respondents.

Hence, the writ petition is dismissed.

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 undertaking.

(Saugata Bhattacharyya, J.)