

ML- 01.10.2024
291 Ct.18
rkd

W.P.A. 19905 of 2023

Sri Buddhadeb Das

-vs-

The State of West Bengal & Ors.

Mr. Debdutta Raha

....for the petitioner.

Mr. Prosenjit Mukherjee,
Mr. Nirmalya Kumar Das

....for the respondent no.3.

Mr. Jyoti Prakash Chatterjee,
Ms. Sukanya Datta

....for the State.

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

Matter relates to payment of subsistence
allowance in favour of an Assistant Teacher of
Panchpara High Madrasah, District- Howrah, who
was functioning as Teacher-in-Charge of the said
High Madrasah.

It has been submitted by the learned
advocate representing the petitioner that upto the
month of September, 2021 subsistence allowance
has been paid to the petitioner since in
contemplation on disciplinary proceeding petitioner
was placed under suspension.

It is stated that thereafter from the month
of October, 2021 till 31st January, 2024 no
subsistence allowance has been paid to the

petitioner.

In support of the contention of the petitioner reliance is placed on the order dated 15th September, 2021 passed by this Court on another writ petition being WPA 12882 of 2021.

State respondents and Madrasah are represented by learned advocates.

It has been submitted by the learned advocate representing the aforesaid Madrasah authority that disciplinary proceeding has been concluded by the Madrasah authority and the necessary records relating to the disciplinary proceeding were submitted before the concerned authority of West Bengal Board of Madrasah Education for approval.

It has been submitted by the State respondents that since no bill relating to release of subsistence allowance has been raised by the aforesaid Madrasah authority steps could not be taken to release subsistence allowance.

Having considered the submissions made on behalf of the respective parties and taking note of the order passed by this Court on 15th September, 2021 it appears that this Court directed the concerned respondent authorities to release subsistence allowance including arrear subsistence

allowance to the petitioner. The order was passed of this Court on a writ petition being WPA 12882 by 2021 on 15th September, 2021 and it is curious to note that upto the month of September, 2021 only subsistence allowance was paid to the petitioner by the respondent authorities.

The reason for not releasing subsistence allowance by the State respondents is failure on the part of the aforesaid Madrasah authority to raise bills for further payment of subsistence allowance from October, 2021 till 31st January, 2024.

Since disciplinary proceeding has not yet been concluded on issuance of final order the concerned authorities of Panchpara High Madrasah, District- Howrah being respondent nos.3 & 4 are directed to raise the arrear bills for release of substance allowance by 4th October, 2024 and same shall be submitted before the District Inspector of Schools (SE), Howrah being respondent no.2 by 4th October, 2024.

On receipt of bills relating to release of substance allowance the respondent no.2 is directed to release substance allowance including arrear with effect from October, 2021 till the date of superannuation of the petitioner on 31st January, 2024 by four weeks thereafter.

With the aforesaid directions, the writ petition stands disposed of.

However, it is made clear that this order shall have no bearing with regard to disciplinary proceeding which has been initiated against the petitioner.

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.)