

01.10.2024
Court No. 18
Item Nos. 304 &
305 (ML)
(Suvendu)

WPA 20382 of 2023
With
WPA 9013 of 2022

Asim Kumar Panda
-Versus-

The State of West Bengal & Ors.

Mr. Balai Lal Sahoo
Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu
.....for the petitioner

Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. Biman Halder
.....for the State
(WPA 20383/2023)

Mr. Srinath Singha Roy
.....for the State
(WPA 9013/2022)

Mr. Apurba Ghauti
Ms. Priti Jain
....for the respondent nos. 5 and 6

Matter relates to release of pensionary benefits in favour of the petitioner since petitioner has retired on 31st March, 2022 being a Group -D staff of Barbashi High School (HS), District -Paschim Medinipur (hereinafter referred to as "said school").

An order has been passed on 5th February, 2024 by a Coordinate Bench on both the writ petitions directing said school authority to adopt resolution for sanctioning leave availed of by the

petitioner and forward the same to the concerned authority of West Bengal Board of Secondary Education for taking necessary steps.

Today, a supplementary affidavit has been filed on behalf of the petitioner wherefrom it appears that the Secretary, West Bengal Board of Secondary Education has decided to sanction extraordinary leave without pay in terms of the relevant Leave Rules. Supplementary affidavit filed on behalf of the petitioner is taken record.

Based on the decision taken by the Secretary of the Board vide memo dated 4th June, 2024 it is submitted by the learned Additional Government Pleader representing State respondents that State authorities have no objection if pension case of the petitioner is settled and the amount can be released in favour of the petitioner including pension on adjusting excess drawn amount to the tune of Rs. 9,12,513/- since leave has been sanctioned by the Board upon treating the same as extraordinary leave without pay.

Learned advocate representing the petitioner prays for necessary direction for completing the formalities in order to release retiral dues in favour of petitioner on adjusting the aforesaid amount.

Having considered the submissions made on behalf of the parties and taking note of the memo dated 4th June, 2024 issued by the Secretary of the Board, both the writ petitions stand disposed of directing the said school authority to forward pension papers of the petitioner by two weeks to be counted from 4th November, 2024 to the District Inspector of Schools (SE), Paschim Medinipur being respondent no. 3 and respondent no. 3 shall settle the claim of the petitioner by fortnight thereafter and forward pension paper to the Director of Pension, Provident Fund and Group Insurance being respondent no. 7. On receipt of relevant documents, the respondent no. 7 is directed to issue Pension Payment Order in favour of the petitioner by fortnight from the date of receipt of such documents. State respondents are directed to release retiral dues in favour of the petitioner on adjusting overdrawn amount as expeditiously as possible but not later than 31st December, 2024.

After release of retiral dues it will be open to the petitioner to raise dispute before the concerned State respondents with regard to quantification of overdrawn amount as well as release of arrear dues. If dispute is raised by the

petitioner, same shall be considered by the concerned District Inspector of Schools (SE) being respondent no.3 accordingly.

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.)