

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 78 of 2023

**Sri Partha Sarathi Das
versus
The State of West Bengal & Ors.**

Mr. Amales Ray,
Mr. Deborshi Dhar,
Mr. Nijam Mittal
... for the petitioner.

Mr. Subir Kumar Saha, AGP,
Mr. Momenur Rahman
....for the State.

Mr. Subham Ghosh,
Mr. Mayank Roy
.....for the respondent no.6.

The petitioner retired as a Headmaster of Nilnalini Bidyamandir (H.S.), Siliguri on attaining the age of superannuation on 31st July, 2019. The petitioner was issued the Pension Payment Order (in short, PPO) on the basis of a no liability certificate and has received all pensionary benefits. The petitioner is also receiving regular pension. The petitioner says that the West Bengal Services (Revision of Pay and Allowances) Rules, 2019 (in short, ROPA-2019) was implemented sometimes in September, 2019 with a retrospective effect from 1st January, 2016. The petitioner was in service between 1st January, 2016 and 31st July, 2019, when he retired. The petitioner, therefor, became entitled to revision of the pensionary benefits in view of the revision to the pay scale made by ROPA-2019. The

petitioner applied for such additional benefits, but the same has not been given to the petitioner as yet.

Aggrieved by such action on the part of the concerned school and the concerned District Inspector of Schools (S.E.), the petitioner has filed this writ petition.

On behalf of the school as also of the State, it is submitted that the normal PPO was issued on 14th November, 2019 and the no liability certificate was issued by the Teacher-in-Charge of the concerned school on 29th November, 2019. After issuance of the PPO and the no liability certificate, the concerned District Inspector of Schools (in short, D. I. of Schools) came to know about a criminal case instituted against the petitioner, being Siliguri P. S. Case No.456 of 2014 dated 2nd June, 2014 and G. R. Case No.1658/14 against the writ petitioner. Since the criminal case was pending, the papers for additional pension and additional pensionary benefits were not processed.

In the criminal case, the petitioner has been acquitted as will appear from the judgment and order dated 11th November, 2022 passed by the learned Judge, Special Court, Darjeeling under Section 409 of the IPC, 1860. The said order is annexed at page 26 of the writ petition. Against the order of acquittal, a Special Leave to Appeal was preferred by the de facto complainant, being the Secretary of the Managing

Committee of the concerned school, namely Nilnalini Bidyamandir (H.S.), Siliguri. The appeal has been dismissed, as will appear from the order dated 4th December, 2023 passed by this Court in CRMSPL 8 of 2022. A copy of the said order produced in Court today is retained with the records. There appears to be no further challenge to the order dated 4th December, 2023.

In view of the acquittal and the dismissal of the appeal, there is as such no embargo in processing the additional pension and pensionary benefits receivable by the petitioner in terms of ROPA-2019 as the pendency of the criminal case was the sole ground on which such claim of the petitioner was not processed.

In the aforesaid facts and circumstances, the D. I. of Schools (SE), Siliguri, being the respondent no.4 is directed to process the claim for additional pension and pensionary benefits receivable by the petitioner in view of the revision of pay and allowances under ROPA-2019.

The school authority of Nilnalini Bidyamandir (H.S.), Siliguri, District – Darjeeling, the Headmistress whereof is respondent no.6 in the writ petition, is directed to cooperate with the respondent no.4 by providing all necessary documents and particulars in computing the additional pension and pensionary benefits receivable by the petitioner in view of the

enhancement under ROPA-2019. The entire exercise of computing the additional pension and pensionary benefits should be completed within a period of two months from the date of communication of a server copy of this order without insisting upon production of a certified copy thereof.

Since the petitioner has been acquitted from the criminal case, which stood in the way in processing his claim for additional pension and pensionary benefits in terms of ROPA-2019, the petitioner is entitled to interest on the unpaid amount as the money remained with the respondents out of which the respondents have derived benefits and the petitioner on having not received the same was deprived of the benefit of such money.

The respondents shall pay interest @ 6% per annum from March, 2020, as the gazette notification was in February, 2020 till the date of actual payment on the arrear amount. The respondents shall issue fresh PPO for the enhanced amount, if necessary, within one month from the date of computation of the additional pension and pensionary benefits.

The respondent no.7 shall disburse the amount within one month from the date of issuance of the PPO.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties, upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)