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24.07.2024
Ct. No.02
NB

HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction

WPA 1430 of 2024

Soumitra Sengupta & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sanjay Mazoomder,
Ms. Sukanya Adhikary,
Mr. Rahul Ghatak.
...for the petitioners.

Mr. Sumit Kumar.
...for the State.

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

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are retired teachers of Government Aided Schools. After retirement, they were appointed as Guest Teachers at a particular school. They were to receive salary as last pay minus pension payable. On this, reliance is placed on a notification dated 02.12.2019 where such salary to be paid to a reemployed retired teacher is described. However, after such employment, the petitioners are actually being paid only the basic pension amount. This is a gross violation of the notification dated 02.12.2019 issued by the Government themselves. On this, reliance is placed on a

decision of a Coordinate Bench of this Court passed on 22.11.2023 in *WPA 2490 of 2023*.

Learned counsel for the State opposes the prayer.

From the notification dated 02.12.2019, it is abundantly clear that for the re-employed pensioner who retired on or after 01.01.2016, he shall draw an amount of remuneration with effect from 01.01.2020 of revised basic pay plus dearness allowance as and when admissible from time to time, plus house rent allowance, if any, as admissible minus revised basic pension before commutation together with dearness relief on pension as and when admissible from time to time, till the age of 65 years. This notification seems to have been violated by the respondent authorities.

In view of the above and in the interest of justice, the Commissioner of School Education, West Bengal shall treat the writ petition as representation of the petitioners and dispose of the same in accordance with law and in terms of the notification dated 02.12.2019 issued by the State. The concerned authority shall consider the representation within two months from the date of communication of this order.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)