

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

44 02.9.2024
Sc Ct. no.2

WPA 1824 OF 2024

Sri Kiran Das & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Amritam Mondal
Mr. Subrata Sarkar.

....For the Petitioners

Mr. Hirak Barman
Mr. Sumit Kumar.

....For the State

The petitioners claim to be retired as **Group-D** staff from one **Sishuniketan Primari School**. The school was subsequently taken over by the District Primary School Council. The names of the petitioners are also recognized in **Annexure-P2 at page 25** to the writ petition. The petitioners claim that, though they have retired on **July 31, 2022** and **November 30, 2023**, till date the petitioners have not been paid with their retiral benefits. The petitioners made representation dated **January 8, 2024, Anexure-P5 at page 35** to the writ petition through their respective advocate. The representation has not yet been considered.

Mr. Amritam Mondal, learned counsel appears through virtual mode for the petitioners.

Mr. Hirak Barman, learned State counsel appears for the respondents except respondent no.10.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, to subserve justice, the respondent no.5 shall, upon issuing a prior hearing notice of at least **seven days** to the petitioners, the respondent no.4 and respondent no.10 and after giving them an opportunity of hearing, decide the said representation of the petitioners dated **January 8, 2024**, as referred to above, by passing a reasoned order in accordance with law.

While conducting the hearing, the respondent no.5 shall **positively** consider the decision of the coordinate Bench dated **August 29, 2019, In the matter of : Subhra Som -vs.- the State of West Bengal & Ors.**, rendered in **WPA342 of 2019, Annexure-P4 at page 29** to the writ petition.

The entire exercise as directed above, shall be carried out and completed by the respondent no.5 positively within a period of **six weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioners, respondent no.4 and the respondent no.10 positively within a further period of **two**

weeks from the date of the reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners and the petitioners shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent no.5.

Following the reasoned order to be passed by the respondent no.5, the respondent nos. 7 and 8 shall take all consequential and necessary steps to release the retiral benefits in favour of the petitioners **positively** within a period of **four weeks** from the date of communication of the said reasoned order to them.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 1824 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)