

Srl. No.22
24.01.2024
SB-III
SH

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

W.P.A 2150 of 2023

**Manik Chandra Bhowmik
-versus
The State of West Bengal & Ors.**

**Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
Mr. Kiron Sk
Ms. Esha Acharya
... for the petitioner.**

**Mr. Hirak Barman
Mr. Momenur Rahman
... for the State.**

The petitioner prays for a direction upon the respondent authorities to take steps for releasing his terminal dues in terms of the order passed by the Commissioner of School Education on September 21, 2021.

The petitioner retired from service on September 30, 2019. As there was an anomaly in fixation of his scale of pay, he is yet to receive his terminal dues.

The petitioner is aggrieved by the order passed by the Commissioner of School Education on September 21, 2021 whereby his scale of pay stood revised but as he has not received his terminal benefits till date, accordingly, he makes a prayer before this Court to direct the respondent authorities to take steps for proceeding with his prayer for releasing his terminal benefits.

The petitioner, however, reserves his right to challenge the cancellation of his higher pay scale at a subsequent date.

Learned advocate representing the State respondents submits, upon instruction that, the e-pension file of the petitioner is required to be returned from the office of the District Inspector of Schools to the school authority for rectification by the petitioner as the date of birth of the spouse of the petitioner was wrongly incorporated in the e-pension file forwarded by the petitioner.

The learned advocate for the respondents point out that the e-pension file of the petitioner was lying at the end of the petitioner and the same was logged in by the petitioner on January 23, 2024 and thereafter forwarded to the head of the institution which was subsequently forwarded to the District Inspector of Schools. On detection of the error, necessary correction is required to be made by the petitioner himself.

The petitioner is, accordingly, directed to rectify the defect that has been detected and forward the same to the head of the institution for onward transmission to the District Inspector of Schools.

The District Inspector of Schools (SE) shall take steps for releasing the terminal dues of the petitioner in accordance with law, at the earliest, but positively within a period of eight weeks from the date of forwarding the e-pension file to the District Inspector of Schools (SE), Alipurduar.

The respondent authorities shall ensure that the terminal dues of the petitioner is released at the earliest, but positively within a period of four months from the

date of receipt of all documents from the petitioner and the head of the institution.

It will be open for the petitioner to challenge the cancellation of his higher scale of pay, if permissible in law.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)