

WPA 3191 of 2020

Debasis Kamp

Vs.

The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury,

Mr. Rajib Ghosh,

Mr. Babhru Bahan Bera,

Mr. Avisek Chatterjee.

... for the petitioner

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner being a retired service personnel was appointed on exempted category with the school with effect from November 2, 2012 and served there till May 31, 2019.
3. Mr. Ashis Kumar Chowdhury, learned counsel for the petitioner has mentioned that after retirement from service though the petitioner has been paid with the gratuity amount to the tune of Rs.14,77,13/-, he has not been remitted with the monthly pension amount to the tune of Rs.10,100/-, as yet.
4. He would further refer to the written representation of the petitioner dated July 16, 2019 addressed to the respondent authorities requesting for immediate release of pension, which has never received any attention of the authorities, till date.
5. He says that the said written representation has also not been considered as yet by the respondent authorities.
6. Since none appears for the respondents in spite of due service, the Court finds it proper to take up the

instant matter in absence of the respondents and adjudicate the same.

7. Necessary is to note the averments made in the “No liability certificate” issued by the Sub-Inspector of Schools, (Circle)/Administrator/ Appointing Authority, which speaks as follows:-

“Part-I

**To be issued by the Sub-Inspector of Schools
(Circle)/ Appellate Authority**

1. ***Total amount of Pay of the retired employee reckonable for Pension is Rs.10100 and Gratuity Rs. 147713.***
2. ***The service rendered by the employee for the period from 02-11-2012 (Final Date of Service) to 31-05-2019 (Last Date of Service) qualified for Pension & Gratuity.***
3. ***No Court Case/Departmental Proceeding is pending against him.***
4. ***He has no liability which is yet to be recovered from his Gratuity & Pension Relief in addition to the amount mentioned in his Pay Certificate.***
5. ***No Provisional Pension has been sanctioned to the employee.***
6. ***No Provisional Gratuity has been sanctioned to the employee.***

District: EAST MIDNAPORE

**Sd/- Bikash Patra
Sinature of Sub-
Inspector of Schools
(Circle)/Administrator/Ap
ointing Authority**

Part-II

**To be issued by the District Inspector of
Schools (Primary)**

1. All the information stated above are correct.

2. No Provisional Pension has been sanctioned to the employee.

3. No Provisional Gratuity has been sanctioned to the employee.

His Pensionary benefits may be released accordingly.”

8. Therefore, in accordance with the said certificate issued by the concerned authority, there would not be any hindrance for granting pension to the petitioner, he having completed the qualifying service period to be eligible for such grant.
9. It is noted that gratuity amount has already been remitted to the petitioner. So far as the petitioner's representation dated July 16, 2019 is concerned, the same is yet to be considered for the respondent authorities, thereby leaving the petitioner as remediless till date, so far as non-receipt of pension by him, till date.
10. Under such circumstances, since the matter relates to the pension of the petitioner, whose right to receive the same not only accrues in terms of the rules but also guaranteed under the Constitution of India, the Court finds it proper to dispose of the present writ petition by directing the respondent no. 2 to immediately release the amount of pension as allowable to the petitioner, after his service with the respondent school from November 2, 2012 to May 31, 2019.
11. The Pension Payment Order and the Pension amount shall be released positively within a period of two

weeks from the date of communication of copy of this order and the arrear amount, if any, shall be released positively within three months from the date of issuance of Pension Payment Order.

- 12.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
- 13.** With the above observations and directions, the writ petition being WPA 3191 of 2020 is disposed of, along with the pending applications, if any.
- 14.** Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)