

Ab

Smt. Radha Rani Ghorai Das
Vs.
The State of West Bengal and others.

Mr. Tapas Kumar Bhattacharya,
Mr. Purnasis Bhuniya.
... for the petitioner.
Mr. Dilip Kumar Sinha,
... for the respondent no. 6.
Mr. Razaul Hossain.
... for the State.

Citing inaction on the part of the concerned respondent in considering the petitioner's prayer for the grant of a one-time terminal benefit of Rs. 3,00,000/-, the present writ petition has been preferred.

Sans unnecessary details, the key facts leading to the filing of the present writ petition are that the petitioner was engaged as a Sahayika at **Madanmohanpur** Sishu Siksha Kendra under Pratappur No. 1 Gram Panchayat, which now falls within the territorial jurisdiction of Panskura Municipality in the District of Purba Medinipur, in the year 1998. Her engagement was periodically renewed, and after rendering continuous service, she retired upon attaining the age of 65 years.

The petitioner's specific claim is that, in accordance with the applicable rules, she is entitled to receive a one-time terminal benefit of Rs. 3,00,000/-. However, despite her entitlement, the said benefit has not been granted. This inaction prompted the petitioner to file a writ petition, being WPA 3925 of 2022, which was disposed of by a Co-ordinate Bench of this Court by an order dated 8th April 2022. By the

said order, liberty was granted to the petitioner to submit an application before the appropriate authority, along with all supporting documents, for consideration of her prayer.

In deference to the order dated 8th April 2022, the petitioner submitted an application before the Director of Local Bodies. However, despite receiving the said application, no effective decision has been taken thereon, which has prompted the petitioner to once again approach this Court by filing the present writ petition.

Mr. Bhattacharya, learned advocate appearing on behalf of the petitioner, draws the attention of this Court to a memorandum dated 12th February 2022 (Annexure-P4 to the writ petition) and submits that the petitioner is entitled to receive a one-time terminal benefit of Rs. 3,00,000/- upon attaining the age of 60 years. Accordingly, he prays for an appropriate direction upon the concerned authority to grant the said benefit in favour of the petitioner.

He submits that the Sishu Siksha Kendra was earlier situated within the jurisdiction of the Panchayat area. However, the said area has since been brought under the jurisdiction of Panskura Municipality.

Mr. Hossain, learned advocate appearing on behalf of the State, submits that the circular relied upon by Mr. Bhattacharya is applicable only to *Sahayikas* working in Sishu Siksha Kendras located within Panchayat areas. He contends that the said circular is not applicable to *Sahayikas* serving in Sishu Siksha Kendras falling under Municipal areas.

Mr. Sinha, learned advocate appearing on behalf of

respondent no. 6, submits that the Government follows different sets of rules for individuals who have served up to the age of 60 years and those who have continued in service up to the age of 65 years in Municipal areas.

Heard the learned advocates appearing for the respective parties and peruse the materials on record.

Admittedly, the petitioner had earlier approached this Court by filing a writ petition, being WPA 3925 of 2022. As noted above, the said writ petition was disposed of by an order dated 8th April 2022, whereby liberty was granted to the petitioner to submit an application before the Director of Local Bodies. In compliance with the said direction, the petitioner duly submitted the application. It is submitted before this Court that the Director of Local Bodies has received the petitioner's application. However, no decision has been taken on the same till date.

Until the petitioner's claim is addressed by the concerned authority and a decision is made thereon, it would not be appropriate at this stage to comment on the submissions made on behalf of the State or the Municipality, as doing so may adversely affect the decision to be taken by the Director of Local Bodies.

Accordingly, the writ petition is disposed of with a direction to the Director of Local Bodies to decide on the petitioner's application, presented before him, in accordance with the law, after affording the petitioner an opportunity of hearing.

It is further clarified that, if the Director of Local Bodies

finds merit in the petitioner's claim, appropriate follow-up action shall be taken, which may include the release of the one-time terminal benefit of Rs. 3,00,000/-. In the event that the Director of Local Bodies concludes that the petitioner's claim lacks merit, a reasoned order shall be passed, and the same shall be duly communicated to the petitioner.

The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

The Director of Local Bodies will act on the server copy of this order without insisting on the production of the certified copy of this order by the petitioner.

(Partha Sarathi Chatterjee, J.)