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11.03.2025
Ct. No. 18
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W.P.A. 26713 of 2023

**Subodh Kumar Karan
Vs.
The State of West Bengal & Ors.**

Mr. Ashim Kumar Routh
Ms. Ananya Mondal
Mr. Subhayan Barik
...for the Petitioner

Mr. Sourav Mitra
Ms. Shreyasree Choudhury
...for the respondent no. 9

Mr. Pankaj Halder
Mr. Prashant Kumar Tripathi
...for the State

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

Matter is heard in presence of the learned advocates representing the petitioner, State respondents and the authority of Badalpur Bidyabhaban, Purba Medinipur (hereinafter referred to as "said school"). Petitioner was headmaster of the said school, who retired on superannuation on 30th September, 2023 but till date pension case of the petitioner has not been settled by the State authorities. Prior to superannuation of the petitioner on 30th September, 2023 said school authority on virtual mode submitted the relevant information to the concerned District Inspector of Schools on 12th

January, 2023 and hard copy of the pension papers were submitted on 8th February, 2023 for expeditious settlement of pension case. However, while processing the pension case as it appears from the memo dated 22nd January, 2024 issued by the concerned District Inspector of Schools that objection was raised by the Director of Pension, Provident Fund and Group Insurance and the pension case of the petitioner was returned to the said school authority through the concerned District Inspector of Schools. On perusal of the said memo dated 22nd January, 2024 issued by the District Inspector of Schools it further appears that said school authority has required to downgrade the pay fixation of the petitioner on curtailment of 3% additional increment which petitioner enjoyed during his tenure being the headmaster of Government aided higher secondary school and preparation of statement relating to the amount drawn in excess by the petitioner was also needed. As per the submissions made by the learned advocate representing the State authorities and on perusal of the relevant documents available on record including the memo dated 22nd January, 2024 as well as a document at page 3 of the report of District Inspector of Schools (SE) Purba

Medinipur dated 24th January, 2024 petitioner has erroneously enjoyed 3% additional increment. Therefore, on downgrading his pay he is required to deposit alleged excess drawn amount.

Learned advocate representing the petitioner has resisted such stand taken on behalf of the State authorities based on objection raised by Director of Pension, Provident Fund and Group Insurance on the strength of the judgment delivered by a coordinate Bench dated 15th January, 2024 on a writ petition being WPA 6217 of 2021 (Subir Kumar Ghosh Vs. The State of West Bengal & Ors.). It is contended that in Subir Kumar Ghosh (supra) the coordinate Bench has decided that the petitioner in that writ petition, who is similarly circumstanced like the present petitioner, was entitled to the benefit of 3% increment for manning the post of headmaster in a Government aided higher secondary school. Therefore, the allegation of the State authorities that the petitioner wrongly enjoyed 3% additional increment for manning the post of headmaster in a higher secondary school is without any basis and based on last pay drawn by the petitioner at the time of his superannuation on 30th September, 2023 he is entitled to receive pensionary benefits including other dues.

Considering the rival submissions made on behalf of the parties and taking note of the ratio of Subir Kumar Ghosh (supra) this Court finds there was no ambiguity in extending the benefit of 3% additional increment to the petitioner from the date school was upgraded from high school to higher secondary school. Nothing is shown during course of hearing that the judgment of the coordinate Bench passed in Subir Kumar Ghosh (supra) has not attained finality.

In view of aforesaid situation objection raised by the Director of Pension, Provident Fund and Group Insurance is found to be untenable. The teacher-in-charge of the said school being respondent no. 9 is directed to forward pension papers to the respondent no. 8 by 7 (seven) days from the date of communication of this order. On receipt of pension papers respondent no. 8 shall finalize the same and forward it to the Director of Pension, Provident Fund and Group Insurance being respondent no. 3 by fortnight thereafter. On receipt of papers from the respondent no. 8 respondent no. 3 on compliance of all formalities shall issue Pension Payment Order in favour of the petitioner by fortnight thereafter.

Retiral dues including pension shall be released in favour of the petitioner as

expeditiously as possible but not later than 8 (eight) weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)