

27.02.2025
Court No. 18
Item No. 76
(Suvendu)

WPA 28520 of 2024

Jayanta Kumar Debnath
-Versus-

The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharyya
Mr. Anindya Bose
Mr. Indrajit Chatterjee
Mr. Golam Mohiuddin
.....for the petitioner

Mr. Bimalendu Das
Ms. Chandrani Mukherjee
.....for the State

Mr. Syed Mansoor Ali
Mr. Monajit Chakraborti
...for the respondent no. 8 (TIC)

Affidavit filed on behalf of the petitioner
taking exception to the report is taken on record.

Matter is heard in presence of learned
advocates representing the petitioner, State
respondents and authority of Hatgacha High
School, Purba Bardhaman (hereinafter referred
to as “said school”).

Petitioner was Headmaster of the said
school who retired on superannuation on 31st
March, 2024. It is submitted on behalf of the
petitioner that after superannuation petitioner
has received Provident Fund dues but till date
pension case of the petitioner has not been
settled since documents relating to service of the

petitioner are lying with the said school authority. Petitioner prays for release of retiral dues including pension at an early date on compliance of necessary formalities.

Previously, on first instance, an order was passed on 2nd January, 2025 directing the petitioner to attend office of the Teacher-in-Charge of the said school on 7th January, 2025 at specified time along with all necessary documents and hand over the same to the Teacher-in-Charge for settling pension case of the petitioner and for completing process of handing over and taking over charge of the office of the Headmaster of the said school.

Thereafter, on 14th January, 2025 Teacher-in-Charge of the said school being respondent no. 8 has filed a report in the form of affidavit before this Court wherefrom it appears most of the requisite documents, as indicated in paragraph 3 of the said report ('a' to 's'), were handed over by the petitioner to the respondent no. 8. However, it is contended that certain other documents are still not handed over by the petitioner and a list of such documents is also indicated in paragraph 3 ('a' to 'k') of the report filed by the respondent no.8.

It is contended on behalf of the said school authority that only on submitting those documents as indicated in the list ('a' to 'k') in paragraph 3 of the report, steps will be taken for forwarding papers in order to settle the pension case to District Inspector of Schools (SE), Purba Bardhaman being respondent no. 4.

The contention as raised on behalf of the said school authority does not sound logic since in terms of order dated 2nd January, 2025 most of the relevant documents were handed over to the respondent no. 8 by the petitioner on attending the said school on 7th January, 2025 and still in the report respondent no. 8 has alleged certain other documents which are required to be submitted for taking steps for release of retiral dues of the petitioner.

On perusal of the list of documents in paragraph 3 ('a' to 'k') of the report of respondent no. 8, it appears that most of the documents are old considering the date of retirement of the petitioner on 31st March, 2024. It is also indicated in the report that there are Passbooks of certain Bank Accounts which were not submitted by the petitioner as alleged but school authority could have obtained those documents by approaching concerned bank authorities

upon making necessary application(s) for issuance of duplicate Passbooks.

Considering the nature of documents as stated in paragraph 3, it appears that respondent no. 8 is unnecessarily delaying the matter so that petitioner may not receive retiral dues within a reasonable time.

In consideration of the fact that most of the relevant documents have already been submitted by the petitioner on 7th January, 2025, respondent no. 8 is directed to immediately complete the pension papers of the petitioner and forward the same to the respondent no. 4 by seven days from date. On receipt of pension papers, respondent no. 4 shall process the same and settle the pension case of the petitioner by four weeks thereafter and forward the same to the Director of Pension, Provident Fund and Group Insurance being respondent no. 5 by seven days thereafter. On receipt of pension papers, respondent no. 5 shall issue Pension Payment Order in favour of the petitioner by fortnight thereafter. Retiral dues including pension shall be released in faovur of the petitioner at an early date but not later than twelve weeks from the date of communication of

this order on issuance of 'No Liability Certificate'.

Writ petition stands disposed of, without any order as to costs.

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

(Saugata Bhattacharyya, J.)