

17.03.2025
Court No. 18
Item No. 136 (ML)
(**Suvenu**)

WPA 28418 of 2023

Shamima Khatoon

-Versus-

The State of West Bengal & Ors.

Mr. Ekramul Bari

Mr. Sk. Imtiaj Uddin

.....for the petitioner

Mr. Himadri Barua

Mr. Biswajit Das

....for the Headmistress

Ms. Priya Ghosal

....for the State

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

Petitioner has prayed for expeditious release of retiral dues since she retired on superannuation on 31st October, 2022. It appears that on settling the pension case of the petitioner, Pension Payment Order was issued on 23rd February, 2023 but till date retiral dues including pension have not been released in favour of the petitioner due to failure on the part of the Headmistress of Kankinara Urdu Girls' High School (HS), North 24 Parganas to issue

'No Liability Certificate'. In support of the case made out in the writ petition, Managing Committee Resolution dated 1st August, 2023 is relied upon which is at pages 19 and 20 of the writ petition wherefrom it appears that the then Managing Committee decided unanimously that petitioner had no liability towards the school authority nor any departmental proceeding was pending against her.

Headmistress of aforesaid school being respondent no. 8 is represented by learned advocate who has relied upon a memo dated 29th September, 2023 issued by the District Inspector of Schools (SE), Barrackpore, North 24 Parganas whereby the Headmistress was asked to call an urgent Managing Committee meeting to resolve the issue. According to the Headmistress of the school, there are certain allegations against the petitioner which was the reason for not issuing 'No Liability Certificate' in her favour.

Having considered the submissions made on behalf of the parties and taking note of the fact that on settling the pension case Pension Payment Order has already been issued on 23rd

February, 2023 at this stage aforesaid school authority should not be permitted to delay in releasing retiral dues in favour of the petitioner by not issuing 'No Liability Certificate'.

It appears from the resolution of the Managing Committee dated 1st August, 2023 that no proceeding was pending against the petitioner at the time of her superannuation and school authority unanimously resolved that the petitioner had no liability towards the school authority.

In view of aforesaid situation, this Court finds no impediment in directing the concerned respondent authority to issue 'No Liability Certificate'.

Hence, Headmistress of Kankinara Urdu Girls' High School (HS), North 24 Parganas is directed to issue 'No Liability Certificate' in favour of the petitioner by seven days from the date of communication of this order and based on such 'No Liability Certificate' the concerned Treasury Officer is directed to release retiree dues including pension to the petitioner by four weeks thereafter.

Writ petition stands disposed of.

Issue of sanctioning interest on retiral dues is kept open and petitioner shall be at liberty to pray for interest after release of retiral dues including pension in accordance with law.

There shall be no 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.)