
(2002) 07 CAL CK 0027
In the Calcutta High Court
Case No : M.A.T. No. 2206 of 2001

Bijoli Bhattacharya

APPELLANT

Vs

State of West Bengal

RESPONDENT

Date of Decision : 24-07-2002

Acts Referred:

Citation : (2004) 3 CHN 169

Hon'ble Judges : A.K. Mathur, C.J.; J.K. Biswas, J

Bench : Division Bench

Advocate : Kasi Kanta Maitra, Amal Baran Chatterjee and Sadananda Karmakar, for the Appellant; Bhudeb Bhattacharjee, for the Respondent

Final Decision : Dismissed

Judgement

1. We have heard the learned Counsel, for the parties.

This appeal is directed against an order passed by the learned Single Judge dated 30th April, 2001, whereby the learned Single Judge dismissed the writ petition.

2. Brief facts, which are necessary for disposal, are that a scheme was made by the State Government for providing pensionary benefits to the teachers who are Provident Fund holders. The option was to be exercised within a period of 90 days from the date of issue of the memo. But the petitioner could not give the option within the time so framed. Therefore she filed an earlier writ petition being W. P. 21592(W) of 1999 which came to be disposed of by the learned Single Judge on 15.12.2000 and on that writ petition, a direction was given by the learned Single Judge to the Director of School Education, West Bengal to decide the pleas of the petitioner and to dispose of the matter in accordance with law. Thereafter, Director of School Education, West Bengal, by the impugned order dated 15.12.2000 came to the finding that the plea of the petitioner for not exercising the option on the stipulated time on the ground of illness was not tenable, in view of the fact that she enjoyed medical leave only for 9 days in

1990 and not for a day in 1991 and for only 4 days in 1992. Therefore, the Director of School Education, West Bengal found that there was no justification to condone the belated prayer of the petitioner and to give her an opportunity of filing option under the scheme for option again.

3. Aggrieved against that order, the present appeal has been preferred.

4. The learned Counsel, for the appellant, has urged before us to remit back this matter to the State Government for reconsideration.

5. We called upon the parties to show any order in which such belated option has been entertained by the State Government.

6. The learned Counsel, for the appellant, has produced before us number of documents but none of the documents produced before us go to show that any belated option for pension has been accepted by the State Government. Therefore, no useful purpose will be served by remitting the case again to the D.S.E., West Bengal. If the petitioner could bring before us a specific document by which any belated option has been condoned by the State Government, perhaps we would have considered for benefit of the petitioner for consideration of the same.

7. Having gone through the matter, we are of the opinion that no material is before us so as to warrant any direction for reconsideration by the State Government in this matter. Hence, there is no merit in this appeal and the same is dismissed.

8. Urgent xerox certified copies, if applied for, be delivered.

A.K. Mathur, C.J. and J.K. Biswas, J.