

25.01.2022
sayandeep
Sl. No. 04
Ct. No. 05

WPA 742 of 2022

[Via Video Conference]

Dr. Souvik Chattopadhyay
-Versus-
Union of India & Ors.

Mr. R. Chatterjee
Mr. A. Mitra

..... for the petitioner

Mr. Billwadal Bhattacharyya, Asst. Solicitor General
Smt. Hasi Saha

.... for the respondents

The petitioner is aggrieved by a Memo dated 12th January, 2022 of the Registrar, IIT, Kharagpur by which the petitioner has been brought under New Pension System on the ground that the petitioner joined IIT, Kharagpur on 3rd September, 2004. The petitioner has been requested to open a suitable account for crediting with interest. According to learned counsel appearing for the petitioner, the petitioner was continuing in the earlier GPF/Pension/Gratuity Scheme since 2004, which is from the time of appointment of the petitioner with IIT, Kharagpur and there is hence no basis for the sudden decision to switch the petitioner to the New Pension System. Counsel relies on the doctrine of promissory estoppel to challenge the decision.

Learned counsel appearing for the respondents including for IIT, Kharagpur places averments in the writ petition which would show that the challenge also involves the manner of resignation of the petitioner from his early engagement with IIT, Madras. Counsel also places correspondence between IIT, Kharagpur and IIT, Madras in this regard. All the letters have been copied to the petitioner.

Upon hearing learned counsel appearing for the parties, this Court is of the view that the impugned order needs to be tested on affidavits since the IIT, Kharagpur has relied on certain office memoranda which required the switch. The issue also involves the latent challenge to the exit of the petitioner from IIT, Madras. These are issues which cannot be decided without giving chance to IIT, Kharagpur to clarify its stand. The doctrine of promissory estoppel also must be established on facts as in law from the stand taken by IIT, Kharagpur and further documents brought on record.

Let affidavit-in-opposition be filed within three weeks from date. Reply thereto, if any, be filed within a week thereafter.

List this matter after four weeks.

The point of maintainability is kept open.
Needless to say, any action taken by the respondents
shall abide by the result of the writ petition.

(Moushumi Bhattacharya, J.)