

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. _____ OF 2016.

IN THE MATTER OF:

An application under Article 102 of the
Constitution of People's Republic of
Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL)

AND

IN THE MATTER OF:

1. Human Rights and Peace for
Bangladesh (HRPB), represented by it's
Secretary Asaduzzaman Siddique, Hall No.
2, Supreme Court Bar Association Bhaban,
Dhaka, Bangladesh.
2. Md. Aklas Uddin Bhuiyan, Advocate,
Supreme Curt of Bangladesh, Hall No. 2,
Supreme Court Bar Association Bhaban,
Dhaka and 93 Indira Road, P.S.: Sher-E-
Bangla Nagar, Dhaka.
3. Md. Mamun Aleem, Advocate,
Supreme Court of Bangladesh, Hall No. 2,
Supreme Court Bar Association Bhaban,
Dhaka, Bangladesh.
4. Mahabubul Islam, Advocate, Supreme
Court of Bangladesh, Hall No. 2, Supreme
Court Bar Association Bhaban, Dhaka,
Bangladesh and at House- La 56, Badda
Post Office Road, Dhaka.

.....Petitioners.

-V E R S U S-

1. Bangladesh represented by the Cabinet
Secretary, Cabinet Division, Bangladesh
Secretariat, Dhaka.
2. The Senior Secretary, Finance Division,
Ministry of Finance Bangladesh

Secretariat, Police Station- Shahbag, Dhaka, Bangladesh.

3. The Senior Secretary, Economic Relations Division, Ministry of Finance, Bangladesh Secretariat, Police Station-Shahbag, Dhaka, Bangladesh.

4. The Secretary, Ministry of Finance, Bangladesh Secretariat Bhaban, P.S.-Shahabag, Dhaka-1000, Bangladesh.

5. The Secretary, Ministry of Education, Bangladesh Secretariat Bhaban, P.S.-Shahabag, Dhaka-1000, Bangladesh.

6. The Chairman, Non-Government Educational Institutions (Teachers and Employees) Retirement Benefit Board, BANBEIS Bhaban, 1, Sonargaon Road, (Palashi-Nilkhet) Dhaka-1205.

7. The Chairman, Non-Government Educational Institutes (Teachers and Employees) Welfare Trust, Ministry of Education, 1 Sonargaon Road, BANBEIS Bhaban (Polashi-Nilkhet), Dhaka-1205

8. The Director General, Directorate of Secondary and Higher Education, 16 Abdul Gani Road, Dhaka-1000.

9. The Director, Non-Government Educational Institutions (Teachers and Employees) Retirement Benefit Board, BANBEIS Bhaban, 1, Sonargaon Road, (Palashi-Nilkhet) Dhaka-1205.

10. The Director, Non-Government Educational Institutes (Teachers and Employees) Welfare Trust, Ministry of Education, 1 Sonargaon Road, BANBEIS Bhaban (Polashi-Nilkhet), Dhaka-1205

11. The Law Officer, (Deputy Secretary) Ministry of Education, Law Cell, Paribahan Pool, P.S.- Shahabag, Dhaka-1000, Bangladesh.

12. The Member Secretary, Non-Government Educational Institutions (Teachers and Employees) Retirement Benefit Board, BANBEIS Bhaban, 1,

Sonargaon Road, (Palashi-Nilkhet) Dhaka-1205.

13. The Member Secretary, Non-Government Educational Institutes (Teachers and Employees) Welfare Trust, Ministry of Education, 1 Sonargaon Road, BANBEIS Bhaban (Polashi-Nilkhet), Dhaka-1205.

14. The Deputy Director (Administration and Evaluation), Non-Government Educational Institutions (Teachers and Employees) Retirement Benefit Board, BANBEIS Bhaban, 1, Sonargaon Road, (Palashi-Nilkhet) Dhaka-1205.

15. The Deputy Director (Finance), Non-Government Educational Institutions (Teachers and Employees) Retirement Benefit Board, BANBEIS Bhaban, 1, Sonargaon Road, (Palashi-Nilkhet) Dhaka-1205.

.....Respondents

AND

IN THE MATTER OF:

Direction upon the respondents to take steps for payment of retirement benefit and welfare trust benefit timely to the teachers from the funds formed under the Non-Government Educational Institutions (Teachers and Employees) Retirement Benefit Board Act 2002 and the Non-Government Educational Institutes (Teachers and Employees) Welfare Trust Act 1990.

GROUND S:

I. For that the teachers are the architects of each and every man as well as the nation as a whole. That a teacher is also the torch-bearer of a society. That their success stories are colorful around the globe. Hence, their own stories cannot go unheard and uncared and so, their legal right to retirement benefits cannot be ignored in such a way as storied in the daily newspaper.

II. For that as per section 3 of the Non-Government Educational Institutions (Teachers and Employees) Retirement Benefit Act 2002, there has been a “Board”, which is run by a Managing Committee headed by its Chairman. That as per section 7(ka) of the Act, the function of the Board is to give retirement benefits to teachers and employees. The Board has other functional obligations to give manifold benefits to the retired teachers. But the Board has failed to discharge its functions timely and to the benefits of the retired teachers.

III. For that as per section 3 of the Non-Government Educational Institutes (Teachers and Employees) Welfare Trust Act 1990, there has been a Trust which is administered by a Trustee Board formed under section 6 of the Act. As per section 7 of the Act, the functions of the Trust are to give financial benefits to in-service physically unfit, impaired, long-time ill and/or dead teachers and employees. But the Trust/Trustee Board has failed to discharge its functions timely and to the benefits of the teachers and employees and hence many applications are pending.

IV. For that a teacher has to pay monthly subscription at the rate of 2% for Welfare Trust and 4% for the Retirement Benefit Board out of their Monthly Payment Order (MPO). But they do not get timely benefit from none of the funds; rather they have to wait for years together for those benefits. Hence, they have to sustain sufferings and inhumane livings, which is illegal and unjustified in the eye of law.

V. For that the matter is involved a public importance. As per Article 32 of the Constitution of the People Republic of Bangladesh right to life of the citizens is guaranteed as a fundamental right but the actions of the respondents has deprived the teachers of their basic rights to a great extent because some of the teachers have died without getting their retirement benefits. On the other hand, the actions of the respondents have been tantamount to discrimination, which is illegal under the constitution of Bangladesh. That the teachers are not treated in accordance with law and hence, the actions of the respondents are illegal and discriminatory. Hence your Lordships should interfere in the case for the greater benefits of the teachers’ society.

VI. For that the respondents are always duty bound to serve the people and to perform their duties. But they have failed to perform their duties because of their inactions; Hence, a direction may be given upon the respondents to give timely benefits to the concern teachers and others from both of the funds.

VII. For that as per Article 21 of the Constitution of Bangladesh the duty of every public servant is to perform public duties and to observe the constitution and the laws. According to the prevailing situation the provision of Article 21 of the Constitution of Bangladesh has been violated.

Wherefore, it is most humbly prayed that Your Lordships would graciously be pleased to;-

a) Issue a Rule Nisi calling upon the Respondents to show cause as to why the inaction and failure of the respondents to pay the retirement benefit and welfare trust benefit timely to the Non-Government teachers and employees, should not be declared illegal and without lawful authority AND why a direction should not be given upon the respondents to take steps for payment of retirement benefit and welfare trust benefit to the non-government teachers and employees as per the provisions of Non-Government Educational Institutions (Teachers and Employees) Retirement Benefit Board Act 2002 and the Non-Government Educational Institutes (Teachers and Employees) Welfare Trust Act 1990.

b) Pending hearing of the rule direct the respondent no. 6, 12 and 13 to submit a report about mentioning the number of teachers who are not getting retirement benefit after 6 months of retirement and amount of necessary funds which is required to pay the retirement benefit of those retired teachers

Present Status:

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble High Court Division issued Rule Nisi and directed to submit a report by the respondents. The case is pending before the Court
