

22 06.12.19
akb Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 952 of 2019

Peheran Gonesh

-Versus-

The State of West Bengal & Ors.

Mr. Debajit Kundu

Ms. Sabita Khutia (Bhunya) ...For the Petitioner

Mr. Hirak Barman

Ms. Bedashruti Bose

...For State Respondents

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on part of the respondent authorities with regard to disbursal of pension and other retiral benefits of the petitioner's husband, who died-in-harness, in the light of ROPA, 2009.

By a Memo No. 531/P dated December 20, 2017 the Assistant Director, Pension, Provident Fund & Group Insurance, Government of West Bengal has written to the District Inspector of Schools (P.E.), Darjeeling, directing certain rectification of defects as per audit observations.

Learned Counsel appearing on behalf of the petitioner submits that in spite of memo dated December 20, 2017, no steps have been taken by the District Inspector of Schools (P.E.), Darjeeling.

In the light of the above, the District Inspector of Schools (P.E.), Darjeeling is directed to carry out rectification as per memo dated December 20, 2017 and have the same sent to the Assistant Director, Pension Provident Fund & Group Insurance, Government of West Bengal within a period of six weeks from date. Upon receipt of the documents from District Inspector of Schools (P.E.), Darjeeling, the Assistant Director, Pension Provident Fund & Group Insurance, Government of West Bengal is directed

to act in accordance with law and issue 'Revised pension Payment Order' as per ROPA, 2009 and make payment of the arrear pension and retiral benefits along with interest @ 8% per annum from May 19, 2009 till the date of payment within a period of one month from the date of receipt of the documents from District Inspector of Schools (P.E.), Darjeeling.

With the aforesaid observation, the writ petition is disposed of.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

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

(Shekhar B. Saraf, J.)