

04.02.2021

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W.P.A. 158 of 2021

(Through Video Conference)

Suman Pal
Vs.
The State of West Bengal & ors.

Mr. Ekramul Bari
Ms. Tanuja Basak
.... For the petitioner

Ms. Kakali Samajpaty
... For the State

Mr. Mainak Das
Mr. Falguni Majhi
... For the respondent no.10

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the order dated 26.06.2020 passed by the District Inspector of Schools (S.E.), Howrah.

The issue in this matter is that the husband of the deceased employee is not interested in availing of the pensionary benefit that became due after the death of the mother of the petitioner.

Counsel on behalf of the husband of the deceased employee is present in Court and submits that his client has declined to accept the pensionary benefit and accordingly, has no objection for giving the pensionary benefit to the petitioner.

In light of the above, the impugned order dated 26.06.2020 is set aside and the concerned authorities are directed to release the pensionary benefits including the gratuity and arrears that may be due to the petitioner in accordance with law within a period of six weeks from date.

With the above observations, this writ petition is disposed of.

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

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)