

24-09-2021
ct no. 05
Sl. 180
Sayandeep

WPA 8181 of 2021

Mira Maity
-Versus-

State of West Bengal & Ors.
(Via Video Conference)

Mr. Sabita Khatua

..... for the petitioner

This is a writ petition at the instance of the widow of the deceased teacher claiming interest on delayed payment of death gratuity since petitioner's husband died in harness. It is stated in the writ petition that husband of the writ petitioner died on 20th December, 1989 but on perusal of the pension payment order issued vide memo dated 10th February, 1994, confusion arises on the date of death of the husband of the writ petitioner. Since as per Clause 14 of the said pension payment order dated 10th February, 1994, it primarily appears that enhanced rate of family pension (per month) up to 31st December, 1987 was payable. If family pension at the enhanced rate was payable up to 31st December, 1987 then it is presumed that the husband of the writ petitioner must have died before 31st December, 1987. To dispel such doubt liberty is granted to the writ petitioner to file supplementary affidavit explaining this position by annexing copy of the death certificate.

Let the supplementary affidavit be filed by 8th November, 2021 with an advanced copy to the learned advocate representing the State respondents.

Let the matter appear in the list on 26th November, 2021 under the same heading.

(Saugata Bhattacharyya, J.)