

Sumahan Dasgupta

-vs-

The State of West Bengal & Ors.

Mr. Kalyan Kumar Panda

....for the petitioner.

The petitioner is elder brother of deceased teacher working in high school, namely, Ansuman Dasgupta. It has been submitted by the learned advocate representing the petitioner that said teacher on his retirement received retiral dues vide issuance of pension payment order under memo date 27th September, 2007. Subsequently, due to implementation of ROPA 2009 gratuity which was payable to the teacher concerned was revised and a revised pension payment order was issued under memo dated 21st May, 2013.

By the said revised pension payment order higher amount of gratuity was found to be payable in favour of the concerned teacher who unfortunately died on 25th January, 2011. According to the petitioner younger brother of the deceased teacher Diptiman Dasgupta was nominated to receive retiral dues of the petitioner in the event the concerned teacher pre-deceased and it was also clarified by the deceased teacher

that in the event said Diptiman Dasgupta dies prior to the petitioner (Sumahan Dasgupta) in that event the right to receive the benefit would be transferred in favour of the Sumahan Dasgupta.

The learned advocate representing the petitioner submits that the concerned teacher expired on 25th January, 2011 and the nominee of the said teacher namely, Diptiman Dasgupta has also expired. Therefore, according to the petitioner he being the elder brother (Sumahan Dasgupta) is entitled to receive the difference of gratuity which is payable in terms of the revised pension payment order issued under memo dated 21st May, 2013.

No one represents the State respondents today.

After considering the submissions made on behalf of the petitioner this Court grants leave to the petitioner to make a representation to the Director of Pension, Provident Fund and Group Insurance, West Bengal being the respondent no.2 within a period of fortnight from this date claiming benefit of revised gratuity.

If such representation is made within the aforesaid time the respondent no.2 shall take a decision in accordance with law by passing a reasoned order after granting opportunity of

hearing to the petitioner or his representative within a period of twelve weeks from the date of receipt of the representation.

The decision to be taken by the respondent no.2 shall be communicated to the petitioner within one week thereafter.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)