

Item No. 34

02.05.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5272 of 2022
Haripriya Bera
v.

The State of West Bengal & Ors.

Mr. Debarshi Brahma
... for the petitioner.

Mr. Tapan Kumar Mukherjee
Ms. Saheli Mukherjee
... for the State.

The petitioner prays for family pension.

The husband of the petitioner was a primary school teacher who retired from service on attaining his normal age of superannuation in 1995. The Pension Payment Order was issued in favour of the petitioner in 1998 and the teacher died on June 27, 2008.

The petitioner being the widow applied for family pension.

After filing of the writ petition intimation has been given to the petitioner requesting submission of certain documents namely (1) approval of appointment of the deceased teacher (2) age proof certificate of the deceased teacher (3) Marriage Registration Certificate (4) Death certificate of the deceased teacher from the competent authority and (5) Legal heirs certificate of the deceased teacher.

The communication mentions that after receiving the aforesaid documents the eligibility of the family pension may be pointed out and considered as per rule. If she is entitled to receive family pension, thereafter further processing may be made.

It is the specific submission of the petitioner that she does not possess any documents with regard to the approval of appointment and the age proof certificate of the deceased teacher.

It has been submitted that the marriage registration certificate is also not available but the photograph of the petitioner is appearing in the PPO issued in favour of the deceased teacher. The petitioner possesses the death certificate and the legal heirs certificate.

As the PPO was already issued in favour of the petitioner, it appears that the details of the teacher must be available in the office of the District Inspector of Schools (P.E.), Purba Medinipur.

It may be that the petitioner being the widow may not have a copy of the approval of appointment of the teacher. The age proof certificate of the teacher may also not be in possession of the widow. The petitioner claims that her photograph is appearing in the PPO.

The District Inspector of Schools is directed to check the records of the deceased teacher wherefrom the

approval of appointment and the age proof of the teacher must surely be available.

As regards the marriage certificate, the District Inspector of Schools (P.E.) shall verify the photograph of the petitioner from the PPO. If the petitioner's photograph appears in the PPO, then the requirement of production of the marriage certificate must be dispensed with.

The petitioner is directed to immediately submit the copy of the death certificate of the teacher from the competent authority and the legal heirs certificate of the teacher to the District Inspector of Schools for processing her family pension file.

The District Inspector of Schools (P.E.), Purba Medinipur is directed to take necessary steps at the earliest, but positively within a period of eight weeks from the date of submission of the death certificate and the legal heirs certificate by the petitioner.

The District Inspector of Schools (P.E.), Purba Medinipur after receipt of the aforesaid documents shall verify the same with the documents of the deceased teacher that is available in the office of the District Inspector of Schools and thereafter take steps to process the family pension case of the petitioner.

The family pension file shall be made ready only after the District Inspector of Schools is satisfied that

the petitioner is entitled to receive the family pension and thereafter disburse the same in her favour at the earliest.

The writ petition stands disposed of.

The communicating Memo No. 88/P dated April 7, 2022 issued by the District Inspector of Schools (P.E.), Purba Medinipur be retained with the records.

Affidavit-of-service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)