

20.06.2022.
Court No.13
Item No. 83
ap

W.P.A. No. 7361 of 2022

**Smt. Bhagabati Mahata
Versus
The State of West Bengal & Ors.**

Mr. Tarapada Das,
Mr. Mahadeb Khan,
Ms. Jonaki Khan,
Ms. Soma Chakrabarty.

...For the petitioner.

Ms. Sanghamitra Nandy,
Mr. Parikshit Goswami.

...For the State.

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

The writ petitioner's husband was an Assistant
Teacher in Chakbaid high School, District – Purulia.
He died on 7th September, 1974. On 24th November,
2021 Pension Payment Order was issued to the
petitioner and she is being getting pension thereafter.

Counsel for the petitioner submits that his client
is entitled to arrear of pension from the date of death
of her husband i.e. from 7th September, 1974 till 24th
November, 2021.

Reliance is placed on the decision of a Co-
ordinate Bench of this Court dated 31st July, 2019 in
W.P. No. 11786 (W) of 2019 in the case of Bharati
Mahata – Vs. – The State of West Bengal & Ors. and
dated 13th November, 2018 in W.P. No. 18554 (W) of

2018 in the case of Anima Mondal – Vs. – The State of West Bengal & Ors.

Reliance is also placed on a decision of a Division Bench of this Court in the case of The Director of Pension, Provident Fund and Group Insurance, West Bengal & Anr. – Vs. – Subhadra Pradhan & Ors. being judgment dated 24th March, 2021 passed in M.A.T. no. 1858 of 2019.

In that view of the matter, the petitioner shall be entitled to all arrear pension from 8th September, 1974 till 24th November, 2021 based on the last drawn pay of the deceased husband as revised from time to time. The entire arrear shall be paid to the petitioner within a period of three months from the date of communication of a copy of this order. The arrear shall be paid to the petitioner with interest at the rate of 7% per annum from the year 2010, since the petitioner has come belatedly before this Court to claim such arrear.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

