

Ct. 05
Item No.16
11.01.2022
(suvendu)

WPA 13649 of 2021

[Via Video Conference]

Namita Chakraborty (Maity)
Vs.
The State of West Bengal & Ors.

Mr. Tauhid Khan
.....for the petitioner

Mr. Supriyo Chattopadhyay
Ms. Itti Datta
.....for the State

The concerned school was given one last opportunity to represent itself as would appear from the last order passed by this Court on 10th December, 2021.

Learned counsel appearing for the petitioner submits that the School was served on 15th December, 2021. However, no one present on behalf of the School.

It seems from the submissions of the learned counsel appearing for the State that by a reasoned order dated 4th February, 2021, the District Inspector of Schools (S.E.), Howrah considered and disposed of the representation of the petitioner holding that the petitioner is entitled to get family pension. The said order records that

the petitioner's husband retired from service from the concerned School in January, 2005, his Pension Payment Order was issued on 24th August, 2012 and the petitioner's husband died on 18th April, 2015. The order also records that a Matrimonial Suit filed by the petitioner's husband was dismissed by an order passed by a learned Single Judge of this Court and that the petitioner is the first wife of late Srikanta Maity and is entitled to family pension as per the DCRB Scheme, 1981 and Memo dated 15.05.1985. The Headmaster of the concerned School has continued to thwart and delay the claim of the petitioner even though the petitioner's husband died in 2015.

This Court sees no reason why the concerned School or the Headmaster should further delay the petitioner's claim since the concerned District Inspector of Schools found the petitioner to be eligible for getting family pension under the relevant Memo.

WPA 13649 of 2021 is accordingly disposed of with a direction on the respondent no. 8 to send all the family pension related papers including the service book and other records of the petitioner's husband to the concerned District Inspector of Schools within a period of three weeks

from the date of communication of this order. The arrear claim of the petitioner's husband shall also be calculated by the School and send to the District Inspector of Schools. The District Inspector of Schools is directed to proceed with the pension papers of the petitioner within three weeks from receiving the papers from the School. The respondent nos. 4, 5 and 6 are thereafter directed to disburse the family pension and arrear pension to the petitioner as per her claims without any further delay and preferably within 31st March, 2022.

It is made clear that any dilatory tactics on the part of the School or its Headmaster shall be dealt with in the sternest possible manner.

WPA 13649 of 2021 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)