

Item No.73

03.01.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 18902 of 2021
Shyamali Dutta

v.

The State of West Bengal & Ors.

Mr. Tapas Kumar Dey
Mr. Rakesh Ray
... for the petitioner.

Ms. Chaitali Bhattacharya
... for the State respondents.

The petitioner, widow, seeks for disbursal of the terminal dues of the deceased teacher who was her husband.

It appears that by an Office Order dated January 29, 2018 the petitioner was informed by the District Inspector of Schools (P.E.), South 24 Parganas that certain sum on account of death gratuity, leave salary, GPF final payment, group insurance and arrear salary was due and payable to the heir of the deceased teacher. The petitioner was requested to submit the legal heir/succession certificate in original.

The petitioner accordingly obtained the succession certificate from the Court of the District Delegate at Sealdah being Case No. 17 of 2018 for Rs. 8,85,988/- (

Rupees Eight lakh eighty-five thousand nine hundred eighty-eight) only.

The petitioner submitted the said Succession Certificate in the office of the District Inspector of Schools (P.E), South 24 Parganas on August 20, 2019.

After service of the copy of the instant writ petition in the office of the respondents, the petitioner has been disbursed a sum of Rs. 6,00,000/- (Rupees six lakh only) possibly on account of death gratuity of the employee. The petitioner submits that the balance payment is yet to be disbursed in her favour.

As it appears that Succession Certificate has been obtained by the petitioner in accordance with the direction issued by the District Inspector of Schools (P.E), South 24 Parganas, and the same has been deposited in the office, accordingly, the District Inspector of Schools (P.E.), South 24 Parganas being the respondent no. 3 herein is directed to take necessary steps for disbursement of the balance dues in favour of the petitioner strictly in accordance with law, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The petitioner is directed to forward a copy of the Office Order dated January 29, 2018 and the photo copy of the Succession Certificate to the District Inspector of

Schools (P.E), South 24 Parganas at the time of communicating the order of the Court.

The writ petition stands disposed of.

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.)