

WPCRC 74 of 2021

**Jharna Dutta Maity
Vs.
Nazrul Haque Sepai & Anr.**

WPA 6354 of 2018

**Jharna Dutta Maity
Vs.
The State of West Bengal & Ors.**

IA No. CAN 1/2021

**Mr. Rabilal Moitra
Mr. Chittapriya Ghosh
Mr. Arijit Pradhan**

...for the Petitioner

**Mr. Ramdulal Manna
Mr. J. Mukherjee
Mr. S. Mukherjee**

..for the Alleged Contemnors

Petitioner is the wife of a deceased assistant teacher of a Government aided recognised high school who died in-harness. This Court while considering the Contempt Rule being WPCRC 278 (W) of 2019 directed the concerned respondent authorities to take steps for curing the defects as per the observations contained in the memo dated 3rd March 2020 of the Assistant Director of Pension Provident Fund and Group Insurance and to take subsequent steps for issuance of Pension Payment Order in favour of the petitioner for releasing terminal dues.

Today, the Contempt Rule being WPCRC 74 of 2021 is taken up for consideration in presence of the learned

advocates representing the applicant as well as alleged contemnors. Pursuant to the previous order parties to this Contempt application have filed affidavits which are taken on record.

It appears after considering the affidavits as well as on hearing the learned advocates representing the parties that there is a difficulty in releasing the terminal benefits in favour of the petitioner due to pendency of loan account of the husband of the petitioner lying with Kinkarbati Agricultural Institution Employees' Co-operative Credit Society Limited.

Learned advocate of the school authority has submitted that the outstanding amount has not yet been cleared by the petitioner after the death of her husband as a result whereof no liability certificate could not be issued for completing formalities relating to payment of terminal benefits including family pension in favour of the petitioner.

During course of submission on behalf of the parties attention of this Court has been drawn to one decision of the concerned District Inspector of Schools (SE), Hooghly dated 27th December, 2021 wherein it has been recorded in presence of the petitioner as well as the school authority that the papers relating to loan account were handed over on 27th December, 2021 and same were received by the petitioner with objection.

Today, Mr. Rabilal Moitra, learned senior advocate appears on behalf of the petitioner and submits that there are anomalies in the papers maintained by Kinkarbat Agricultural Institution Employees' Co-operative Credit Society Limited and the amount which is being shown outstanding is disputed by Mr. Moitra.

It has been submitted on behalf of the petitioner that due to failure on the part of the said Co-operative Credit Society to make necessary calculations for identifying the outstanding dues petitioner will be unnecessarily penalised by paying higher amount than she is required to pay for closing the said loan account.

This Court while considering this present Contempt Rule has also perused the prayers couched in the connected writ petition which simply demonstrate requirement of release of terminal benefits in favour of the petitioner due to untimely death of the husband of the petitioner; nothing has been agitated in the connected writ petition relating to failure of the said Co-operative Credit Society in calculating the outstanding dues towards the said loan account.

Today, this Court is considering the Contempt Rule in view of alleged violation of the order dated 6th March, 2020 passed by this Court.

In view of the aforesaid discussion, it would be improper to enter into the issue of calculating the outstanding dues as made by the said Co-operative Credit

Society. However, at the same time it has been felt by this Court considering the order dated 6th March, 2020 the terminal benefits which the petitioner is entitled to, needs to be released forthwith.

In view of aforesaid scenario, this Court directs the concerned State-respondents as well as Kinkarbati Agricultural Institution (H.S.), District- Hooghly to immediately release terminal benefits including family pension in favour of the petitioner upon completion of all formalities and to issue no liability certificate in favour of the petitioner.

However, it is made clear that while releasing such terminal benefits the outstanding dues as per calculation of Kinkarbati Agricultural Institution Employees' Co-operative Credit Society Limited are to be adjusted from such benefits of the petitioner and the rest of the amount to be released within a period of 6 (six) weeks from the date of communication of this order. The school authority is also directed to issue no liability certificate in above terms in favour of the petitioner within 7 (seven) days from this date.

However, it is also made clear that this order shall not preclude the petitioner to draw a proceeding in accordance with law if the petitioner is not satisfied with regard to the calculation of outstanding dues by the said Co-operative Credit Society, within a reasonable time.

With the aforesaid direction, the contempt proceeding stands dropped.

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

(Saugata Bhattacharyya, J.)