

23.06.2023
Court No.13
Item No.19
pk

CPAN 268 of 2023
In
WPA 13715 of 2021

Chaitali Dasgupta
Vs.
Sanjoy Chattapadhyay and Anr.

Ms. Santi Das

... For the petitioner.

Mr. Bhaskar Prosad Vaisya
Mr. Nilay Baran Mondal

... For the Contemnor No.2.

1. This Court had required counsel for the parties to produce clarifications to paragraph 77 of the decision of the Special Bench of this Court in the case of Abhijit Baidya Vs. State of West Bengal. Such clarification is available now.

2. By a judgement and order dated 30th September, 2019 in G. A. 464 of 2018 arising out of APOT 104 of 2006 and APO 121 of 2007 in the case of Md. Abdul Ghani Vs. State of West Bengal at paragraph 55 thereof, another Full Bench had clarified that all payments of pension to persons, who opted for the pension cum gratuity scheme under the DRCB Rule and notice dated 13th June, 2014, would be entitled to pension from the date of retirement and/or superannuation of the teacher concerned.

3. Pursuant to such clarifications, the Additional Secretary, Government of West Bengal had also issued notification dated 13.12.2022.

4. In that view of the matter, the Pension Payment Order (PPO) issued to writ petitioner in May, 2023 shall stand effective from the date of retirement and/or superannuation of the late husband of the petitioner i.e. 13.11.2009.

5. Let all arrears of pension payable on account of the petitioner's husband service be paid to the petitioner within one month from date.

6. It is once again clarified that arrears payable to the petitioner would be effective from 14.11.2009 till 23rd May, 2023.

7. All modifications and applicable ROPA shall be duly applied by the DPPG and communicated to the DPPG within a period of two weeks from date positively.

8. DPPG shall thereupon revise the PPO. The arrears shall become payable within a period of one month thereof.

9. This Court requests Mr. Bhaskar Prosad Vaisya, counsel for the DPPG, to ensure timely compliance of this order.

10. The contempt application is disposed of.

11. Rule, if any, shall stand discharged.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)