

WPA 9510 of 2023
Kabita Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Syed Arif Ahmed

...for the Petitioner

Mr. Arindam Chattopadhyay,

Mr. Soumik Dey

...for the State

The petitioner's husband joined Ranaghat College, Nadia as a Clerk on September 15, 1981. However, his service was regularised on May 24, 1999 and he retired from the said post on August 31, 2008.

The petitioner's husband died on March 12, 2023. It appears that the petitioner's husband was not given any pension since he did not have the required qualifying service of ten years. After a series of litigations, by an order dated May 8, 2016, pensionary benefits were accorded to the husband of the petitioner counting 8 months 23 days of service prior to his regular appointment.

It is not disputed before this Court that the husband of the petitioner received his pension after the said order till his death and thereafter the petitioner received family pension.

By filing this writ petition, the petitioner has prayed for release of the arrear salary of her husband for the

period of May 24, 1999 to August 31, 2008. It has been submitted by the petitioner that though her husband was entitled to receive Rs. 6,882/- per month as his salary, he was given Rs. 4,620/- per month during the said period and as such the petitioner received Rs. 2262/- less per month during that period.

The State has filed an affidavit in opposition denying the allegations.

The relevant part of the affidavit in opposition filed by the State states:-

“With regard to the statement made in Paragraph No. 5 of the said Writ Petition I deny and dispute the same, save and except those are matters of records. Further, I say that again the petitioner claimed amounts of Rs. 2,55,280/- as arrear salary and other allowances as per ROPA 1998. But this claim is erroneous. As per ROPA 1998 the basic pay of the petitioner’s husband as on May, 1999 is Rs. 1475/-. Petitioner’s husband had submitted option from 1.4.1996. As per option from 01.04.1996 basic salary had been fixed had been fixed on Rs.4575/- as per new scale of ROPA 1998 corresponding to the basic pay of Rs. 1475/- of earlier ROPA.”

The petitioner, in order to substantiate the claim has filed a supplementary affidavit annexing the salary certificate of her deceased husband issued by the college. The certificate indicates that even in the month of April, 1999, her husband received Rs. 6882/- and in the month of June, 2008, he received Rs. 17,341/- as his salary.

This does not support her claim. Therefore, I am not inclined to entertain this writ petition.

It may also be noted that the husband of the petitioner during his service period, and for that matter during his lifetime, did not dispute the salary given to him. It does not appear that the husband of the petitioner was ever aggrieved by the salary given to him.

In such factual scenario, after about five years from the death of her husband, the petitioner cannot agitate the issue.

Accordingly, **WPA 9510 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)