

Court No. 17

WPA 9491 of 2016

09.10.2023

(A 5)

(S. Banerjee)

Mathura Nath Bhuiya

Vs.

The State of West Bengal & Ors.

with

CAN 1 of 2022

Ms. Bratati Dutta

... for the petitioner

Mr. Amitava Choudhuri

Mr. B. P. Jana

... for the State

Let the affidavit of service filed in court today be kept with the record.

The wife has to step into the shoes of her husband due to the death of the husband who was the original petitioner. The present petitioner's husband expired on 03.01.2020 which appears from the application for substitution, being CAN 1 of 2022, connected to WPA 9491 of 2016. It appears that this substitution application has not been allowed up till now.

The petitioner submits that in case of pension, the wife is the only person who can claim.

It is a case of arrear pension on the ground of conversion from Contributory Provident Fund to General Provident Fund.

I direct the concerned District Inspector of Schools (Primary Education) to look into the matter after giving an opportunity of hearing to the petitioner where she must file declaration that she does not have any other contestant in respect of the arrear pension. This hearing is to be taken by three months from date by the concerned District Inspector of Schools and thereafter he will send it to the concerned department for payment of arrear pension by one month thereafter if he is satisfied that only the wife of the original petitioner (expired) is entitled to the arrear pension. On forwarding the papers and documents of the present petitioner to the appropriate authority for payment of arrear pension, the authority will pay the arrear pension amount by two months from the date of receiving of the papers from the end of the said District Inspector of Schools (Primary Education).

The petitioner has submitted that she does not want any interest in respect of this arrear pension and, therefore, no interest is required to be paid.

With the above observation and direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)