

08.09.2023
Item No.211
Ct. No.238
KS

W.P.A. 15935 of 2023
Smt. Mamata Desai
Vs.
The State of West Bengal & Ors.

Mr. Krishnendu Bera
.....for the Petitioner
Mr. Anand Farmania
Mr. Vijay Agarwal
.....for the State

The petitioner retired as a Professor from Netaji Institute for Asian Studies., Kolkata on 31st July, 2007.

It appears from page 44 of the writ petition that the Deputy Secretary, Department of Higher Education, Social Education Branch by an order dated January 11, 2021 issued an order to the Director, Directorate of Pension, Provident Fund and Group Insurance, West Bengal/respondent no.5 in this writ petition to revise the pension of the petitioner with effect from April 1, 2009 taking into of the last basic of the petitioner as Rs.62,460/- and thereafter make arrangements for disbursement of arrear pension amount.

Learned advocate appearing on behalf of the petitioner submits that pursuant to the said order dated January 11, 2021, the respondent no.5 issued a Pension Payment Order (appearing at page 47 of the writ petition), wherein the pension of the petitioner was erroneously fixed as Rs.24,606/- with effect from 1st April, 2009.

Learned advocate appearing for the petitioner submits that it should have been fixed as Rs.31,230/ being the 50% of the basic pay of the petitioner.

Learned advocate appearing on behalf of the State, on the other hand, refers to an order dated August 12, 2022 issued by the respondent no.5 seeking review of the order dated April 19, 2021, whereby the petitioner was given the benefit of revision of her pay scale in terms of ROPA, 2019.

In my view, the dispute with regard to the retiral dues of the petitioner should be settled as expeditiously as possible.

In that view of the matter, I dispose of this writ petition with a direction upon the respondent no.4 to make necessary corrections with regard to the fixation of the pensionary benefits of the petitioner within a period of one month from the date of communication of this order and issue the consequent direction upon the respondent no.5 to issue a revised pension payment order in favour of the petitioner.

The respondent no.4 shall afford a reasonable opportunity to the petitioner before taking the decision.

With the above direction, the writ petition is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Kausik Chanda, J.)