

82 01.02.2023
Sc Ct. no.22

WPA 17065 OF 2022

Mamata Paladhi

Vs.

The State of West Bengal & Ors.

Mr. Shamim ul Bari
Ms. Keya Sutradhar.

.... For the Petitioner

Mr. Sourav Mitra

...For the Respondent
No.8

Affidavit of service affirmed on January 31, 2023
filed today in Court, is taken on record.

Mr. Shamim ul Bari, learned advocate appears for
the petitioner.

Mr. Sourav Mitra, learned advocate appears for the
respondent no.8, viz. Sri Soumya Jana.

None appears for the other respondents.

The writ petition was filed by the mother of a
daughter who was an **Assistant Teacher at Silda
Radhacharan Institution (H.S.), Jhargram**. Mr. Bari
submitted that the petitioner being the mother was the
nominee made by the deceased daughter teacher while
receiving the employment. Subsequently, the deceased
daughter got married. The deceased teacher ultimately
died on **September 24, 2018** as would be evident from
the **Death Certificate at page 15 to the writ petition**.

Today, Mr. Sourav Mitra, learned advocate
represents the husband of the deceased teacher. On
instruction, he submitted before this Court that he does

not claim anything out of the employment benefits of his deceased wife and the entire benefits can be made over to the writ petitioner, who is the mother of the deceased teacher and the mother-in-law of his client. He further confirmed that out of the wedlock with the deceased wife they did not have any child. He further confirmed this Court that he does not wish to take part in the hearing for consideration of the case of the petitioner before the appropriate authority, since he had relinquished his claim.

In view of the above, to subserve justice, the **respondent no.3** is directed to consider the representation of the petitioner ***dated July 7, 2019, Annexure – P4 to the writ petition appearing at page 20 thereto*** upon giving an opportunity of hearing to the writ ***petitioner and the respondent nos. 6 and 7*** and after hearing them shall decide the issue with its reasoned order in accordance with law. The respondent no. 3 shall also have to be satisfied as to the existence of any nominee of the deceased teacher on her service record.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of ***four weeks*** from the date of communication of this order.

The respondent no.3 shall communicate its reasoned order to the petitioner and the respondent nos.

6 and 7 within a ***further period of two weeks*** from the date of the reasoned order to be passed. After the reasoned order being passed, the respondent no.3 shall take all consequential steps in accordance with law and to forward the necessary records, recommendation and documents to the ***respondent no.4*** positively within a ***further period of two weeks*** from the date of the said reasoned order to be passed.

The necessary ***Pension Payment Order (PPO)*** shall be issued by the ***respondent no.4*** in favour of the petitioner positively within a period of ***two weeks*** after receiving the recommendation from the respondent no.3. The respondent no.4 then forthwith shall forward the ***PPO*** to the ***respondent no.5*** positively within a period of ***seven days*** from the date of issue of the ***PPO*** and the respondent no.5 in turn shall make and disburse the necessary payments to the petitioner positively within a period of ***two weeks*** from the date of receipt of the said ***PPO*** from the respondent no.4.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner and all points are kept open for the petitioner to be urged relying upon whatever records and documents she wishes to rely upon before the respondent no.3. The petitioner may be

represented through her duly authorised representative before the respondent no.3.

On the above terms this writ petition, **WPA 17065 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)