

24.08.2023
AKG
Court 238
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WPA 17736 of 2023
Gitarani Masan
Vs.
The State of West Bengal & Ors.

Mr. Ashis Kumar Paul
... For the petitioner.
Mr. Anand Fermania,
Mrs. Indumouli Banerjee
... For the State.

Leave is granted to the petitioner to add District Inspector of Schools (SE), Paschim Burdwan as a respondent in this writ petition.

The husband of the petitioner had retired as an Assistant Teacher from Kajladihi F. P. School, P.O.- Shibpur, District – Paschim Burdwan on January 31, 2003 and died on June 19, 2017.

The husband of the petitioner was initially under the Contributory Provident Fund Scheme. Subsequently, she was allowed to switch over to Pension-cum-Gratuity Scheme following a Memo No. 749 SE(L)/SL/55-56/13(Pt-V) dated June 13, 2014 and accordingly Pension Payment Order was issued in favour of her with effect from the date of refund of employer's share of contribution with interest, i.e., September 11, 2014.

The petitioner by filing this writ petition claims that she should be given pensionary benefits of her husband from the date of her husband's retirement.

From an affidavit filed by the State *in WPA 24390 of 2022 (Motiur Rahaman vs. The State of West Bengal & Ors.)*, it appears that by a Memo No. 1481-SE(Law)/5S/737/08(Pt.) dated December 13, 2022 the Commissioner of School Education, West Bengal through Memo No. 610(49) -LP dated December 20, 2022 directed all the District Inspector of Schools (SE) to comply with the directions of this Court where pension was directed to be given from the date of retirement instead of date of refund of Government's share of Contributory Provident Fund, subject to decision of Review application so filed by the State against such orders.

There is no ground that the petitioner should be treated differently. Accordingly, this writ petition is disposed of with a direction upon the State to release the pensionary benefits in favour of the petitioner with effect from date of her husband's retirement, subject to the result of the Review application, if any, pending before this Court.

Accordingly, **WPA 17736 of 2023** is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)