

12.12.2023
(D/L-224)
Court No.13
(ap)

W.P.A. 22254 of 2023

Dipak Gayen
-Vs-
The State of West Bengal & Ors.

Mr. Tamal Taru Panda.
.... For the Petitioner.

Despite service of notice, the respondents are not represented. Affidavit-of-service filed in Court today be taken on record.

The petitioner has filed the present writ petition claim for release and pay gratuity and provident fund of his deceased father who was an approved primary teacher of the Primary School in question and lifetime arrear family pension which was due and payable to his mother since deceased with interest without any delay.

Mr. Panda, learned Advocate appearing for the petitioner, submits that the petitioner's father died-in-harness on 13th June, 1971 when he was working as a Primary Teacher of the Primary School under District – Purba Medinipur. Unfortunately, the petitioner's mother died on 11th July, 2015. Mr. Panda further submits that during his mother's lifetime the respondent authority failed and neglected to disburse the family pension in favour of his mother. Therefore, on 5th January, 2023 the petitioner made a representation before the authority

for disbursement of the one time arrear family pension of his mother since 1st April 1981 till the date of death of his mother i.e. 11th July, 2015. Since nothing was done by the respondent authority, therefore, the petitioner without finding any alternative approached this Hon'ble Court.

Mr. Panda, learned Advocate appearing for the petitioner, submits that the petitioner is not praying for monthly family pension. The petitioner is only praying for disbursement of the arrear family pension pursuant to the above mentioned Notifications in favour of the his mother, since deceased, for the period from 1st April, 1981 to 11th July, 2015 which is the date of death of the petitioner's mother. Mr. Panda further contends that the petitioner never prayed for regular family pension to be released in favour of the petitioner.

Considering the submissions as advanced by the learned Advocate for the petitioner and after perusing the records, it appears that unfortunately, the respondent authorities failed and neglected to disburse the arrear family pension in favour of the petitioner. In passage of time, according to the Notification dated 15th June, 1990, the Notification dated 1st November, 2010 and the notification dated 12th July, 2011 passed by the State of West Bengal, the petitioner's mother is entitled to get the family pension with effect from 1st April, 1981 during the date of her death i.e. till 12th July, 2015. Unfortunately the respondent authority failed to

disburse the arrear family pension and other admissible dues of his deceased mother in favour of the petitioner. It is the clear case of the petitioner that his mother is entitled to get the family pension pursuant to the above mentioned notifications from 1st April, 1981 till her date of death i.e. 15th July 2015. Unfortunately that was not considered. Hence, the present writ petition.

I direct the respondent no.3, being the District Inspector of Schools (PE), Purba Medinipur, to take steps in accordance with law to prepare the pension paper of the petitioner's further for the period from 1st April, 1981 till 15th July, 2015 that is the death of the mother strictly in terms of the above mentioned notifications within a period of four weeks from the date of communication of this order and thereafter forward the same to the respondent no.4 the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal for preparing the P.P.O. in favour of the petitioner.

Needless to mention that after issuance of Pension Payment Order, the respondent no. 4 will forward the same to the respondent no.5, the Treasury Officer, Contai. The respondent no.5 after receiving the same is directed to take steps to disburse the same to the petitioner in accordance with law without further delay but positively within a period of two weeks.

With this direction, this writ petition is allowed.

However, there will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Rajasekhar Mantha, J.)