

10.04.2024
Court No.13
Item No.165
pk

WPA 924 of 2024

Bina Halder
Vs.
The State of West Bengal and others

Mr. Srikumar Sinha
Ms. Madhumanti Das
... for the petitioner.

Mr. Suman De,
Ms. Indrani Nandi
... for the State.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is the unmarried daughter of late Keshab Chandra Halder, Assistant Teacher of Belsinha Free Primary School, South 24 Parganas. She had applied for pension and was denied on the ground that the teacher was pre DCRB 1981 retiree.
3. This Court is of the view that the issue has since been settled by a Special Bench of this Court in the case of, "**State of West Bengal and others Vs. Sabita Roy being MAT 1518 of 2019** by judgement and order dated **20.06.2023**".
4. In that view of the matter, the petitioner shall be entitled to pension from the date of death of her mother i.e. 04.11.2014 till she remains unmarried.

5. Let the D. I. of Schools (Primary), South 24 Parganas calculate last drawn pay of Keshab Chandra Halder for pension after obtaining necessary documents from the Belsinha Free Primary School within a period of two weeks from date and forward the same to the DPPG, West Bengal.
6. The DPPG, West Bengal shall thereafter issue Pension Payment Order to the petitioner within a period of three weeks thereafter. Let all arrears of pension be paid to the petitioner from 04.11.2014 till the date of issuance of Pension Payment Order together with interest at the rate of 7 per cent per annum within a period of one month from the date of issue of Pension Payment Order.
7. The impugned order issued by the Assistant Director, Pension, Provident Fund & Group Insurance, Finance Department, Government of West Bengal dated 23.05.2022 shall stand quashed and set aside.
8. The writ petition is disposed of.
9. There will be no order as to costs.

10. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)