

23-02-2024

ct no. 13

Sl. 122

pk

WPA 3229 of 2024

Jharna Mondal

-Versus-

The State of West Bengal & Ors.

Mr. Banshi Badan Maity

..for the petitioner

Ms. Manika Pandit

... for the State

1. Affidavit of service filed by the learned Advocate for the petitioner in Court today be kept on record.

2. After the petitioner's husband joined service on 10.01.1984, he was suspended from 21.02.2000 until 01.03.2002. The suspension was in connection with a police case being Mayureswar P. S. Case No. 113 of 1999 dated 11.11.1999 under Sections 147/148/149/326/302 of the IPC.

3. Since the suspension of the petitioner's husband was in connection with a criminal proceeding arising outside the scope of employment, he was allowed to join back service and render the same until his superannuation on 31.03.2016.

4. The petitioner shall, therefore, be entitled to full pension.

5. In the backdrop of the above, the petitioner is entitled to arrears being the difference between the provisional pension and the full pension with effect from the date of superannuation till date. Such arrears amounting to the sum of Rs.3,32,675/- has been paid to him by the respondents.

6. Upon retirement the petitioner ought to have been paid his full pension. Therefore the petitioner shall be entitled to interest @ 8 per cent per annum on the sum of Rs. 3,32,675/- from the date of retirement till the date of actual payment of the said amount.

7. Instructions of the State is kept with the record

8. With the aforesaid directions, the instant writ petition shall stand disposed of.

9. There will be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Rajasekhar Mantha, J.)

