

25.06.2024.
Court No. 13
Item No. 119
sp

W.P.A. No. 2058 of 2016

Smt. Chhabi Ghatak
Versus
The State of West Bengal & Ors.

Mr. Chandan Dutta,
Mr. Tarapada Das

...for the petitioner.

1. The petitioner was a teacher under the Asansol Municipal Corporation. The school and teachers and staff were subsequently taken over by the DPSC Burdwan (now Paschim Bardhaman) of the State. The petitioner claims the same quantum of pension as paid to Assistant Teachers under the State.
2. This Court had had occasion to deal with the said issue in WP 12195 (W) of 2016 (Md. Ghulam Rabbani Vs. The State of West Bengal & Ors.). A similar claim of another teacher in a school formerly under the Asansol Municipal Corporation, taken over by the DPSC, Bardhaman and was allowed and disposed of by order dated 3rd January, 2020.
3. The said decision has been affirmed by a Division Bench of this Court in MAT 1149 of 2022 by judgment and order dated 16th August, 2023. Reference of the order dated 3rd January, 2020 (supra) is at paragraph 6 of the order of the Division Bench.

4. In that view of the matter, the writ petition is allowed.

5. The D.I. of Schools (PE), Paschim Bardhaman shall calculate the last drawn pay of the petitioner as she has received from the DPSC concerned, equivalent to the last drawn pay of other assistant teachers, working directly since inception under the concerned DPSC, Paschim Bardhaman and forward the calculation to the DPPG, West Bengal, within a period of one month from date. The DPPG shall thereafter within a period of 3 weeks issue fresh PPO and pay all arrears to the petitioner within a period of 2 weeks thereafter.

6. The petitioner admittedly retired in January, 2003 prior to issuance of the notification dated 21st November, 2003. The same shall not stand in the way of the benefits directed to be given to the petitioner hereinabove.

7. Let current pension be paid in terms of the fresh issue of the PPO. Copies of the order dated 3rd January, 2020 (supra) and 15th August, 2023 (supra) are kept on record.

8. With the aforesaid observations, the instant writ petition shall stand 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.*)