

28.02.2024.
Court No.13
Item No. 584
ap

W.P.A. No. 4117 of 2019
Smt. Ashima Pramanik
Versus
The State of West Bengal & Ors.

Mr. Chandan Dutta.

...For the petitioner.

Mr. Pinaki Bhattacharya.

...For the State.

Mr. Arindam Chattopadhyay.

...For the DPSC, Nadia.

1. The petitioner is the widowed daughter of one Kanailal Sadhu, who was an employee of Nadia District Primary Council. Her father retired from service on 31st October, 1988 and died on 30th January, 2005. Her father was enjoying pension post superannuation till 8th August, 2010. On the petitioner's application for pension, the respondents turned it down on 22nd September, 2017 holding that the unmarried daughters and divorced daughters of teaching and non-teaching staff of Non-Government Educational Institution are only entitled to family pension.

2. The petitioner's father being an employee of the District Primary School Council, Nadia was held not entitled to pension.

3. The respondents on a further representation from the petitioner contended on 7th September, 2018 that Nadia District Primary School Council is an

autonomous body and not a government organization and hence, the petitioner's father was not an employee of the State Government. She therefore could not claim pension.

4. Counsel for the writ petitioner in his affidavit-in-reply has relied upon a Notification dated 5th August, 2008 whereby the West Bengal Primary Education (Teachers and Employees of DCRB) Rules, 2008 was brought into force. Rule 2(d) thereof provides that the said Rules are applicable to the employees of DPSCs/District School Board.

5. In view of the above, this Court is of the clear and unequivocal view that denial of pension to the petitioner, who is admittedly a widowed daughter of an employee under District Primary School Council, Nadia is illegal and arbitrary.

6. The impugned orders dated 22nd September, 2017 and 7th September, 2018 are quashed and set aside.

7. The petitioner shall be entitled to pension from 9th August, 2010.

8. Let Director of Pension, Provident Fund and Group Insurance, West Bengal issue a pension payment order in favour of the petitioner in aid of the pension payment order issued in favour of her late mother and father.

9. Let the arrears of pension be released to the petitioner within a period of two months from the date of communication of a copy of this order by the

District Inspector of Schools (PE), Nadia and the concerned Treasury Officer.

10. For the aforesaid purpose, the petitioner shall produce all the relevant documents in support of her claim. The District Inspector of Schools (PE), Nadia shall upon scrutiny thereof forward the same to the Director of Pension, Provident Fund and Group Insurance, West Bengal for issuance of pension payment order.

11. The petitioner shall approach the District Inspector of Schools (PE), Nadia and submit all the documents within a period of four days from date.

12. The petitioner may also submit evidence of submission of such documents earlier to the District Inspector of Schools (PE), Nadia. Any enquiry is required to be made by the District Magistrate, Nadia may be done as expeditiously as possible to facilitate compliance of the aforesaid order in time.

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

14. There will be no order as to costs.

15. 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.)