

24.04.2024
Court No.13
Item No.56
AP

WPA 5578 of 2024

**Bharati Chattopadhyay
Vs.
The State of West Bengal and Ors**

Mr. Rabi Shankar Chattopadhyay
Mr. Sayan Chattopadhyay
Ms. Payel Shome

... for the Petitioners.

Mr. Malay Krishna De
Mr. Koushik Banerjee

... for the State.

1. The petitioner's son, Palash Chatterjee, was an assistant teacher in Kendur Adarsha Primary Vidyalaya and joined on 15th February, 2006. The petitioner's late husband, Mahadeb Chattopadhyay, lodged a missing person diary on 18th April, 2013 with the Burdwan Sadar Police Station. The petitioner's husband also informed the concerned SI of school that his son was missing.

2. On 2nd March, 2016, late Mahadeb Chattopadhyay, husband of the petitioner, applied for family pension in terms of the circular of the State dated 12th February, 2004 being No.47-SE (B)/1M-240/2002.

3. The Chairman DPSC Burdwaman received a confirmation from the Burdwan Sadar Police Station on 6th February, 2016 that the son of the petitioner was missing. The husband of the petitioner died in the meantime.

4. On 8th August, 2019 the petitioner made an application for family pension. The petitioner refunded a

sum of Rs.8,984/- on 25th March, 2021. The petitioner is also stated to have given an indemnity bond dated 19th April, 2018 confirmed before the Executive Magistrate as per the request of the respondents dated 18th January, 2018.

5. The missing employee, Palash Chatterjee, was unmarried. In these circumstances, this Court is of the view that the petitioner is entitled to family pension in terms of the memorandum dated 12th February, 2004 (supra).

6. Let pension be paid to the petitioner from the date of application of the writ petitioner i.e. 8th August, 2019.

7. Let a PPO be issued after receipt of the last drawn salary of Palash Chatterjee and calculations thereof from the DI of Schools, Purba Bardhaman.

8. Let such particulars be sent by the DI of schools within a period of three weeks from date.

9. The PPO shall be issued to the petitioner within a period of one month from the date of receipt of such particulars from the DI(PE), Purba Bardhaman. Arrears shall be paid to the petitioner from 8th August, 2019 without interest within a period of two months from the date of issuance of PPO.

10. Any other retiral benefits on account of service of Palash Chatterjee shall also be released by the DPPG to the petitioner within a period of three months from date.

11. With the aforesaid directions, the writ petition is disposed of.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)