

08.01.2024
Court No. 13
Item No. 14
AP

WPA 6879 of 2023

**Jahanara Bibi Tarafdar
Vs.
The State of West Bengal and Ors.**

Mr. Pradip Kumar Tarafder
Mr. Sourav Sengupta

.... For the Petitioner.

Ms. Parna Roy Choudhury

.... For the State.

Mr. Debabrata Roy
Mr. Oishik Chatterjee

.... For the Respondent No.3.

1. The petitioner was the widow of Sattar Tarafdar, who was employed as a Group-D staff in the West Bengal Pharmaceutical & Phytochemical Development Corporation Ltd.

2. In 2019 an FIR No.87/19 was registered against the petitioner's husband and he was arrested. He was in custody from 13th August, 2019 to 1st October, 2019. The subject matter of the FIR was a theft in a garage run by the petitioner's son. Admittedly, the subject of the criminal proceedings did not arise out of any act or omission in course of employment.

3. The petitioner's husband died in harness on 13th April, 2022. He was obviously absent during the period he was in custody. The employer has not instituted any departmental proceedings against the petitioner's husband during his service. The petitioner's husband has

completed more than 10 years of continuous service with the employer. The employer has a pension scheme for its employees.

4. In view of the above, this Court is of the clear view that the petitioner is entitled to receive pension and all other benefits on account of the service of her late husband Sattar Tarafdar on and from 14th April, 2022.

5. Let all terminal benefits be paid to the petitioner on account of the service of her husband, by the respondents within a period of one month from the date of receipt of a copy of this order. Terminal benefits and arrears of pension shall carry interest at the rate of 7 percent per annum from 14th April, 2022 till the date of actual payment. It is expected that the PPO to the petitioner is issued by the DPPG and/or concerned authorities, mandatorily and positively within a period of two weeks from the date of receipt of a copy of this order.

6. It is made clear that the interest shall be calculated on the total aforesaid amount of the terminal benefits, which include gratuity, leave encashment, EPF and any other benefits that the petitioner's husband would have received as on the date of death.

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

8. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)