

28.06.2024.
Court No.13
Item No. 39
ap

W.P.A. No. 8880 of 2023
Prianka Roy Sarkar
Versus
The State of West Bengal & Ors.

Mr. Probal Sarkar.

...For the petitioner.

Md. Sarwar Jahan,
Mr. Nayeemul Hoque.

...For the DPSC, Murshidabad.

1. The petitioner is the wife of one Late Tanmoy Sarkar, who was an Assistant Teacher of 19, Kulberia Adibasi Primary School under the District Primary School Council, Murshidabad. He was appointed on 3rd February, 2017. The petitioner's husband died on 10th February, 2021.
2. The petitioner applied for family pension on account of the service of her husband. The District Primary School Council, Murshidabad and the Sub-Inspector of Schools , Sadar North Circle have not been able to process the pension papers of the petitioner as the legal heir certificate of the deceased Tanmoy Sarkar has not been issued by the Office of the District Magistrate, Murshidabad.
3. It appears from Annexure – P/9 at page 43 of the writ petition that Berhampore Municipality has issued a legal heir certificate dated 20th July, 2021 indicating the petitioner, her minor son, namely, Tanish Sarkar,

her mother-in-law, namely, Purnima Sarkar and father-in-law, namely, Tapan Sarkar as legal heirs.

4. Counsel for the District Primary School Council, Murshidabad submits that the legal heir certificate is required to be issued by the District Magistrate, Murshidabad.

5. By a letter dated 27th April, 2023, District Magistrate, Murshidabad had directed the petitioner and her mother-in-law and father-in-law to be present in his chamber on 4th May, 2023 at 12:30 P.M.

6. It is submitted by the Counsel for the petitioner that she had visited the Office of the District Magistrate, Murshidabad but no order has been passed till date.

7. The private respondents mother-in-law and father-in-law are not represented.

8. This Court reasonably suspect that the mother-in-law and father-in-law are not cooperating in the petitioner receiving family pension.

9. The District Inspector of Schools (PE), Murshidabad and the Director of Pension, Provident Fund and Group Insurance, West Bengal shall bear the aforesaid fact in mind and if necessary exclude the mother-in-law and father-in-law from receiving any pension on account of late Tanmoy Sarkar.

10. Liberty shall, however, be reserved to the mother-in-law and father-in-law to approach this Court to explain as to why they have not cooperated

with the petitioner or the Office of the District Magistrate, Murshidabad, District Primary School Council, Murshidabad and the District Inspector of Schools (PE), Murshidabad till date.

11. In view of the above, this Court directs the District Magistrate and Collector, Murshidabad to forthwith issue a legal heir certificate, having due regard to the certificate issued by the Berhampore Municipality dated 20th July, 2021 appearing at page 43 of the writ petition.

12. Any other enquiry may be made by the District Magistrate, Murshidabad and let an appropriate order be passed as expeditiously as possible but not later than 12th July, 2024.

13. Based on the above, the District Inspector of Schools (PE), Murshidabad shall process the petitioner's pension papers and forward the same to the Director of Pension, Provident Fund and Group Insurance, West Bengal within a period of two weeks thereafter i.e. by 26th July, 2024.

14. The Director of Pension, Provident Fund and Group Insurance, West Bengal shall issue Pension Payment Order to the petitioner by 9th August, 2024 and pay all arrears to the petitioner within a month thereof.

15. The communication dated 27th April, 2023 issued by the District Magistrate, Murshidabad to the

petitioner and the private respondents in-laws are kept with the record.

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

17. There will be no order as to costs.

18. 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.)