

26.06.2024.
Court No.13
Item No. 26
ap

W.P.A. No. 12023 of 2024
Miss Abha Ukil
Versus
The State of West Bengal & Ors.

Mr. Lal Ratan Mondal,
Mr. Dilip Kumar Sadhu.

...For the petitioner.

Mr. Asish Kumar Guha.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is an unmarried and unemployed daughter of Late Habal Chandra Ukil, who was an Assistant Teacher in a Primary School under Garbeta West Circle, Paschim Medinipur District Primary School Council.
3. The petitioner's father retired from service on 30th June, 1981 and died on 22nd November, 1988. The petitioner's mother received pension and died on 5th February, 2006. The pension has been released to the petitioner by issuance of Pension Payment Order with effect from 9th November, 2023.
4. By an order dated 28th March, 2024 passed in CPAN 303 of 2024 a Division Bench of this Court left the issue of arrears of pension from 2010 to be pursued in an independent proceeding, hence, the instant writ petition.
5. Paschim Medinipur District Primary School Council has submitted instructions addressed to the State

Advocate dated 30th April, 2024. The same is kept with the record.

6. Reference is made to G.O. No. 95(80)-SE(8)/1M-112/2008 dated 13th April, 2010 and G.O. No. 1613-SE/S/1M-05/2023 dated 9th November, 2023 stating that unless an unmarried daughter has an income less than Rs.3,500/-, modified to Rs.6,000/- and Rs.9,000/- later, she would not be entitled to pension.

7. The Paschim Medinipur District Primary School Council has relied upon an income certificate issued by the Block Development Officer, Garbeta-II dated 21st November, 2023 that the family income of the petitioner is Rs.6,000/-. The same cannot be treated as the income of the petitioner.

8. From the affidavit affirming the writ petition and in its body, it appears that the petitioner is engaged only in household work and was never employed.

9. In those circumstances, the petitioner shall be entitled to pension with effect from 6th February, 2006 i.e. the date after the death of her mother.

10. Let arrears of pension be paid to the petitioner by the Director of Pension, Provident Fund and Group Insurance, West Bengal within a period of one month from the date of communication of a copy of this order along with the writ petition together with interest at the rate of 7% per annum, on the said arrears from June, 2023 till the date of actual payment.

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

12. There will be no order as to costs.

13. 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.)