

26.06.2024.
Court No.13
Item No. 24
ap

W.P.A. No. 11609 of 2024
Aparna Mondal
Versus
The State of West Bengal & Ors.

Mr. Firdaus Samim,
Ms. Gopa Biswas,
Ms. Payel Shome,
Ms. Sampriti Saha,
Mr. Avijit Kar,
Ms. Mohona Das.

...For the petitioner.

Ms. Munmun Tewary,
Mr. Sanatan Panja.

...For the State.

1. Instructions of the District Inspector of Schools (PE), South 24 Parganas dated 16th May, 2024 filed in Court today be taken on record.

2. The petitioner is aggrieved by an objection raised by the Director of Pension, Provident Fund and Group Insurance, West Bengal with regard to her receiving “A” Category Pay Scale from the date of appointment till the year 2017.

3. The writ petitioner joined the service on 23rd February, 2006 with a Junior Basic Training Qualification. She was given “A” Category Pay Scale throughout her career. The petitioner underwent and obtained two years D.El.Ed. Course certificate for the year 2015-2017. She superannuated from service with “A” Category Pay Scale on 31st May, 2023.

4. Admittedly, the petitioner was entitled to “A” Category Pay Scale as per the Rules prescribed by the

Board and the NCTE from the date of such qualification.

5. Even if one accepts the objection of the Director of Pension, Provident Fund and Group Insurance, West Bengal that the petitioner could not have been given “A” Category Pay Scale from the date of joining the service until the year 2017, the respondents cannot effect any recovery from the petitioner in view of the decision of the Hon’ble Supreme Court of India in the case of ***State of Punjab and Ors. vs. Rafiq Masih (White Washer) & Ors., reported in (2015) 4 SCC 334.***

6. In view of the fact that the petitioner was lawfully entitled to “A” Category Pay Scale as on the date of retirement, the petitioner shall be entitled to and be paid pension, as per her actual entitlement.

7. In those circumstances, the District Inspector of Schools (PE), South 24 Parganas shall forward the calculation of her actual entitlement to the Director of Pension, Provident Fund and Group Insurance, West Bengal within a period of four weeks from the date of receipt of communication of a copy of this order along with the writ petition.

8. The Director of Pension, Provident Fund and Group Insurance, West Bengal shall within a period of four weeks issue Pension Payment Order to the petitioner and pay all arrears of pension, within a period of one month thereafter.

9. No recovery shall be made from the petitioner by the State.

10. With the aforesaid observations, the instant writ petition is allowed and disposed of.

11. There will be no order as to costs.

12. 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.)