

10.07.2024
Court No.13
Item No.19
AP

WPA 12951 of 2024

Jayanti Das
Vs.
The State of West Bengal and Ors.

Mr. Goutam Kumar Maity

... For the Petitioner.

Mr. Arabinda Das

... For the State.

1. Exception to the report of the respondent No.4 filed in Court today is taken on record.

2. This Court has considered the report of the District Inspector of Schools (PE), South 24-Parganas. Several objections have been raised. The said objections are dealt with as follows:-

3. The delay in depositing the employer share of CPF shall stand condoned. Any interest and additional interest may be paid on account of delay in refunding the employer share of CPF, may be communicated to the petitioner by the Sub-Inspector of Schools (PE) within a period of one month from date. In so far as the half pay leave for 352 days and Medical Leave of 28 days, the Sub-Inspector of Schools (PE) shall take a decision in the matter and record necessary entries in the service book of late Pradip Kumar Das within the aforesaid period of one month.

4. The petitioner shall not be liable to refund any amount for alleged wrong fixation of pay as per ROPA

1998, ROPA 2009, ROPA 2019 and 18 year benefit to late Pradip Kumar Das. In view of the decision of the Supreme Court in the case of ***State of Punjab and Ors. v. Rafiq Masih (White Washer) & Ors.*** reported in ***(2015) 4 SCC 334.***

5. The Sub-Inspector of Schools (PE), however, be entitled to recalculate the actual last drawn pay after proper fixation of entitlement to ROPA 1998, ROPA 2009, ROPA 2019 and 18 year benefit to late Pradip Kumar Das.

6. After making all calculations as indicated hereinabove, the Sub-Inspector of Schools (PE) shall forward the same to the District Inspector of Schools (PE), South 24-Parganas and the District Inspector of Schools (PE), South 24-Parganas in turn shall forward the calculations to the DPPG, West Bengal within a period of 10 days thereafter.

7. The DPPG, West Bengal shall issue PPO to the petitioner and commence family pension to her. The arrears of pension shall be payable to the petitioner from 13th July, 2023 till the date of issuance of PPO within a period of three months by the DPPG, West Bengal. Let all other terminal benefits be released to the petitioner on account of her husband's service, if not already released, within the aforesaid period. The arrears of

pension shall carry interest at the rate of 6 percent per annum.

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

9. There shall be no order as to costs.

10. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)