

22.05.2024
(D/L-289)
Court No.13
(ap)

W.P.A. 13833 of 2024

Kajal Purkait & Anr.
-Vs-
The State of West Bengal & Ors.

Mr. Tamal Taru Panda.
.... For the Petitioners.
Mr. Ovik Sengupta.
...For the State.

Affidavit-of-service filed in Court today be taken
on record.

The petitioners have filed the present writ
petition claim for release and pay gratuity and
provident fund of his deceased father who was an
approved primary teacher of the Primary School in
question and lifetime arrear family pension which
was due and payable to his mother since deceased
with interest without any delay.

Mr. Panda, learned Advocate appearing for the
petitioners, submits that the petitioners' father died-
in-harness on 19th April, 1985 when he was working
as a Primary Teacher of the Primary School under
District – South 24 Parganas. Unfortunately, the
petitioner's mother died on 28th June, 1998. Mr.
Panda further submits that during his mother's
lifetime the respondent authority failed and
neglected to disburse the family pension in favour of
his mother. The petitioners made a representation
before the authority for disbursement of the one time

arrear family pension of his mother since 1st April 1981 till the date of issuance of Pension Payment Order i.e. 27th February, 2004. Since nothing was done by the respondent authority, therefore, the petitioners without finding any alternative approached this Hon'ble Court.

Mr. Panda, learned Advocate appearing for the petitioners, submits that the petitioners are not praying for monthly family pension. The petitioners are only praying for disbursement of the arrear family pension pursuant to the above mentioned Notifications in favour of the his mother, since deceased, for the period from 1st April, 1981 to 27th February, 2004 when the Pension Payment Order was issued. Mr. Panda further contends that the petitioners never prayed for regular family pension to be released in favour of the petitioners.

Considering the submissions as advanced by the learned Advocate for the petitioners and after perusing the records, it appears that unfortunately, the respondent authorities failed and neglected to disburse the arrear family pension in favour of the petitioners. In passage of time, according to the Notification dated 15th June, 1990, the Notification dated 1st November, 2010 and the notification dated 12th July, 2011 passed by the State of West Bengal, the petitioners' mother is entitled to get the family pension with effect from 1st April, 1981 during issuance of Pension Payment Order i.e. 27th February, 2004. Unfortunately the respondent

authority failed to disburse the arrear family pension and other admissible dues of their deceased mother in favour of the petitioners. It is the clear case of the petitioners that their mother is entitled to get the family pension pursuant to the above mentioned notifications from 1st April, 1981 till the date of issuance of Pension Payment Order i.e. 27th February, 2004. Unfortunately that was not considered. Hence, the present writ petition.

I direct the respondent no.3, being the District Inspector of Schools (PE), Purba Medinipur, to take steps in accordance with law to prepare the pension paper of the petitioners further for the period from 1st April, 1981 till 27th February, 2004 that is the issuance of the Pension Payment Order strictly in terms of the above mentioned notifications within a period of four weeks from the date of communication of this order and thereafter the respondent no.5, the Treasury Officer, Diamond Harbour is directed to take steps to disburse the arrear family pension to the petitioners in accordance with law without further delay but positively within a period of two weeks from the date of communication of this order.

With this direction, this writ petition is allowed.

However, there will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Rajasekhar Mantha, J.)