

11.07.2024
Sl. No.08
g.b.
Court No.18

WPA 17060 of 2024

Pulakesh Tripathy
-Vs-
The State of W. B. & Ors.

Ms. Sabita Khutia (Bhunya)
.....For the Petitioner
Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
.....For the State

Affidavit of service filed on behalf of the petitioner is taken on record.

The writ petition is heard in presence of the learned advocates representing the petitioner and the State respondents.

The grievance of the petitioner is being husband of a deceased teacher who died of COVID-19 on 29th April, 2021, till date has not received family pension and other terminal benefits. On query being posed to the learned advocate representing the petitioner notice of this court has been drawn to page 47 of the writ petition. At page 47 a memo dated 3rd January, 2023 issued by the District Inspector of Schools (S.E.), Paschim Medinipur being respondent no.4 is appended where the said respondent no.4 has solicited view of the Commissioner of School Education relating to settlement of family pension case of the petitioner in view of the fact that though wife of the petitioner switched over from C.P.F. to G.P.F. on exercising option on 29th June, 1990 but inadvertently Government share of provident fund under C.P.F. scheme was deposited in connection with the service of the petitioner for the period from 1st June, 1990 to 30th November, 1995. However, the respondent no.4 in his said memo dated 3rd January, 2023 had informed the

Commissioner of School Education that Government share of provident fund along with interest was duly deposited on 7th December, 1995 and 28th March, 2011.

According to the petitioner, in view of depositing Government share of provident fund along with interest far back of 28th March, 2011 he being the husband of the deceased teacher is entitled to receive family pension along with other terminal benefits.

State respondent is represented by Mr. Basu Mallick. He submits that in view of depositing Government share of provident fund along with interest by the petitioner's wife, there ought not to be any impediment in releasing family pension and other terminal benefits in favour of the petitioner.

Having considered the submissions made on behalf of the parties and taking note of the memo dated 3rd January, 2023 of the respondent no.4 addressed to the Commissioner of School Education, the respondent no.4 is directed to settle the family pension case of the petitioner without waiting for the view to be submitted from the office of the Commissioner of School Education by fortnight from the date of communication of this order and the same shall be forwarded to the office of the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal being the respondent no.3. The respondent no.3 in his turn on completion of necessary formalities shall issue payment order in favour of the petitioner for release of family pension and other terminal benefits. The exercise is to be carried out by the respondent no.3 within a period of three weeks from the date of receipt of the papers from the office of the respondent no.4.

Accordingly, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Saugata Bhattacharyya, J.)