

W.P.A. 16700 of 2023

**Himansu Kumar Das
Vs.
The State of West Bengal & Ors.**

Mr. Tarapada Das
Mr. Chandan Dutta
Mr. Goutam Malik
...for the petitioner

Mr. Vimal Kumar Shahi
...for the State

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

The grievance of the petitioner is failure on the part
of the respondent authorities to settle the family pension
case of the petitioner being the husband of a primary
teacher who died in harness on 20th March, 2014. It has
been submitted on behalf of the petitioner that in spite of
death in harness of his wife far back on 20th March, 2014
nine years have passed in the meantime but
unfortunately family pension has not been released in
his favour upon settling the pension case.

Today, State-respondents are represented by
learned advocate who has submitted that primarily there
was certain confusion as to which authority amongst the
District Inspector of Schools (PE), Paschim Bardhaman
and District Inspector of Schools (PE), Purba
Bardhaman, is the appropriate authority to process and
settle the family pension case of the petitioner.

During course of hearing it has been submitted by the learned advocate representing the State-respondents that District Inspector Schools (PE), Pashim Bardhaman has already intimated that District Inspector of Schools (PE), Purba Bardhaman is the appropriate authority to settle the family pension case of the petitioner with the assistance of Sub-Inspector of Schools, Chittaranjan Circle.

Having considered the submissions made on behalf of the parties and on perusal of relevant documents available on record it appears that Rs. 7473/- was found to be excess drawn by the wife of the petitioner for the period from 21st March, 2014 to 31st March, 2014 and in terms of memo dated 15th December, 2022 issued by the Sub-Inspector of Schools, Chittaranjan Circle addressed to SPIO and Assistant Inspector of Schools attached to District Inspector of Schools (PE), Purba Bardhaman that the aforesaid overdrawn amount is required to be deposited with the concerned State-respondents. It further appears from the said memo dated 15th December, 2022 that though e-pension account was opened and application number was generated the family pension case could not be settled since at certain spaces of the pension papers petitioner has yet to sign.

Therefore, it appears that formalities are required to be completed prior to settling the family pension case of the petitioner and release of the same upon issuance

of Pension Payment Order. It needs to be recorded that excess drawn amount of Rs. 7473/- was deposited by the petitioner on 13th February, 2023.

Accordingly, the petitioner as well as Sub-Inspector of Schools, Chittaranjan Circle are directed to appear before the District Inspector of Schools (PE), Purba Bardhaman on 18th January, 2024 at 12 noon to complete the formalities and finalise the family pension case of the petitioner under the supervision of the concerned District Inspector of Schools.

After family pension papers are made ready and family pension case is finalized the District Inspector of Schools (PE), Purba Bardhaman is directed to forward the family pension case of the petitioner to the Director of Pension, Provident Fund and Group Insurance within 7 (seven) days thereafter.

On receipt of pension papers the Director of Pension, Provident Fund and Group Insurance shall issue Pension Payment Order in favour of the petitioner within 7 (seven) days thereafter.

The concerned State-respondents are directed to complete the aforesaid exercise expeditiously so that family pension of the petitioner along with arrear dues can be released in his favour within 6 (six) weeks from the date of communication of this order.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order to costs.

Learned advocate representing the State-respondents as well as the petitioner are directed to communicate server copy of this order downloaded from the official website of this Court immediately.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)