

03.01.2024
Item No.3
Court No.18
(P. Jana)

W.P.A. 18704 of 2022

(IA No: CAN 1/2023) &
[CAN 2/2023 –Disposed of]

**Biswanath Seth, since deceased,
His heirs and legal
representatives, namely,
Rama Rani Seth & ors.**

-Vs-

The State of West Bengal & Ors.

*Mr. Prosenjit Mukherjee,
.....for the petitioners.*

*Mr. Supriyo Chattopadhyay, AGP.
Ms. Sangeeta Ray,
Mr. Biswajit Das,
.....for the State.*

*Mr. Ekramul Bari,
Mr. S.M. Ali,
... for the respondent nos. 6 & 7.
(for the school authorities).*

The predecessor-in-interest of the petitioners namely Biswanath Seth was the retired Headmaster of Jagatballavpur High School.

He had filed the instant writ petition praying *inter alia* for release of all of his retiral benefits e.g. pension, arrear pension, provident fund, group insurance, medical allowances and gratuity with interest but unfortunately he died during the pendency of the writ petition. On his death, the present petitioners have been substituted in the writ petition as his heirs and legal representatives.

The petitioner no. 1 is the widow and the rest are the daughters of the deceased Headmaster. Mr. Mukherjee, learned advocate for the petitioners submits that the daughters have no objection if the arrear pension and the family pension of their deceased father are paid to the petitioner no.1.

The deceased Headmaster admittedly had exercised the option to switch over from the CPF scheme to GPF scheme but there is dispute with regard to completion of the exercise of such option inasmuch as there is lack of evidence of refund of the Government's share by the deceased teacher in his provident fund account with interest and additional interest.

However, it appears from the record that the District Inspector of Schools (SE), Howrah, the respondent no. 3 herein once calculated the said refundable amount as on November 30, 2023 at Rs. 3,29,238/- (Rupees three lakh twenty-nine thousand two hundred thirty-eight only).

The petitioner no. 1, being the widow of the deceased teacher is entitled to the benefit of family pension, she is also entitled to arrear pension and other admissible retiral benefits of her deceased husband subject to refund of the contribution of the Government in the provident fund account of her husband with interest and additional interest.

The amount to be refunded is required to be calculated again, the respondent no. 3 therefore is directed to re-calculate the said refundable amount with the assistance of the School authority and shall send the said calculation for vetting to the Joint Director (Account), Government of West Bengal.

Upon finalization of the calculation of the refundable amount, the respondent no. 3 shall issue a notice to the petitioner no. 1 for deposit of the same.

The respondent no. 3, after deposit of the refundable amount by the petitioner no.1, shall process the claim of the petitioners for release of the arrear pension, the family pension and other admissible retiral benefits, if there be any, in favour of the petitioner no. 1.

The prayers of the petitioners are pending for a long period as such the respondent authorities are directed to expedite the disbursement of the arrear pension, family pension and other benefits as expeditiously as possible in accordance with law.

The writ petition being WPA 18704 of 2022 including all connected applications, if pending, also stand disposed of without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)