

10-04-2024
ct no. 13
Sl. 162
sp

WPA 21705 of 2023
Labanya Sen
-Versus-

The State of West Bengal & Ors.

Mr. Suryasarathi Basu

..for the petitioner

Ms. Mousumi Choudhury

...for the State

Mr. Suman Basu

...for the respondent no. 4

1. The petitioner challenges an order dated July 17, 2023 passed by the District Inspector of Schools (P.E.), North 24-Parganas. By the said order, the petitioner's mother late Minoti Das, widowed daughter of late Jatindra Nath Das was held not entitled to pension after the death of her pension-receiving father and mother (petitioner's grandmother and grandfather) in view of G.O. No. 539-SE (P&B)/SL-SS-61/10(pt) dated November 1, 2010.
2. This Court notes that the Special Bench order of this Court in the case of ***The State of West Bengal & Ors. Vs. Sabita Roy***, passed in ***MAT 1518 of 2019*** dated ***June 20, 2023***, decided along with other matters, has neither been understood nor appreciated by the

District Inspector of Schools (P.E.), North 24-Parganas.

3. The petitioner's mother late Minoti Das being the widowed daughter of late Jatindra Nath Das would clearly be entitled to pension, in terms of the aforesaid decision of **Sabita Roy (*supra*)** from July 2007 till July 2, 2018 when her mother, widowed daughter of the deceased teacher was alive.
4. In those circumstances, the DPPG, West Bengal shall issue a notional PPO in the name of the deceased mother of the petitioner late Minoti Das, widowed daughter of late Jatindra Nath Das, former Assistant Teacher of Ariadaha Kalachand Primary School under Kamarhati Circle and pay all arrears of pension for the period from July 2007 till July 2, 2018, to the petitioner upon the petitioner producing all necessary documents for identification and filling up any forms, if necessary.
5. Let the payment as above be made within a period of 6 weeks from date together with interest @7% per annum.
6. The impugned order dated July 17, 2023 passed by the D.I. of Schools (P.E.), North 24-Parganas is set aside.

7. With the aforesaid directions, the instant writ petition shall stand disposed of.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)