

13      13.09.2024  
Ct.18  
(Suvendu)

W.P.A. 22419 of 2024

Sumita Das  
-vs-  
The State of West Bengal & Ors.

Mr. Satya Ranjan Kundu

....for the petitioner.

Mr. Prasanta Kumar Giri  
Ms. Nabanita Kapat

....for the State.

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

Petitioner claiming to be sister of a deceased retired teacher has prayed for arrear pension from the date following the date of superannuation till the date of refund of the benefits which the teacher received under Contributory Provident Fund Scheme.

It is submitted by learned advocate representing the petitioner that the teacher exercised option in terms of Government Notification dated 13<sup>th</sup> June, 2014 which was issued in terms of the judgment of the Special Bench dated 16<sup>th</sup> July, 2013 passed on intra court appeal being APO No.94 of 2009 (State of West Bengal & Ors. -vs- Abhijit Baidya & Ors.).

According to petitioner, she is only heir and nominee of deceased teacher and entitled to

receive arrear pension in connection with service of her elder sister from the date following the date of superannuation till date of refund made by her sister. Elder sister of the petitioner died on 18<sup>th</sup> April, 2016 and Pension Payment Order was issued on 25<sup>th</sup> March, 2015 in favour of elder sister.

State respondents are represented by learned advocates.

In view of aforesaid facts, petitioner is granted leave to make representation to the District Inspector of Schools (SE), Hooghly, being respondent no. 4 by fortnight from date claiming arrear pension due to switching over from CPF to GPF Scheme by her elder sister on exercising option in terms of Government Notification dated 13<sup>th</sup> June, 2014. If such representation is made within aforesaid time, respondent no. 4 is directed to take decision on entitlement of petitioner to receive arrear dues being younger sister of deceased teacher by eight weeks from the date of receipt of such representation. Decision to be taken by the respondent no. 4 shall be communicated to the petitioner by one week thereafter.

Accordingly, the writ petition stands disposed of.

However, there shall be no order as to costs.

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

**(Saugata Bhattacharyya, J.)**