

01.05.2024.
Court No.13
Item No. 17
ap

W.P.A. No. 21870 of 2023

**Biswajit Sardar
Versus
The State of West Bengal & Ors.**

Mrs. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra,
Ms. Arpita Saha.

...For the petitioner.

Mr. Vimal Kumar Shahi, AGP,
Mr. Vijay Agarwal.

...For the State.

1. The petitioner seeks pension on account of the service of his late wife, Bhagabati Sardar, who was an Assistant Teacher in Kamakhya Free Primary School, Canning Circle. The petitioner's wife died-in-harness on 27th August, 2014.
2. The petitioner is aggrieved that he is not being paid pension.
3. Counsel for the District Inspector of Schools (PE), South 24 Parganas that the petitioner was requested by the District Inspector of Schools (PE), South 24 Parganas repeatedly to produce documents which he has not done.
4. It appears from the records that the District Inspector of Schools (PE), South 24 Parganas sought legal heir certificate from the petitioner. The name of the petitioner is recorded in the service records of the District Primary School Council, South 24 Parganas.

The said document is at page 35 of the writ petition and is dated 11th September, 2013.

5. In those circumstances, this Court is of the view that the petitioner has been harassed by the District Inspector of Schools (PE), South 24 Parganas and the District Primary School Council, South 24 Parganas.

6. All necessary records pertaining to the petitioner's entitlement and service records are annexed to the writ petition itself.

7. It further appears from the records that the petitioner's wife has completed only four years and few months in service. Counsel for the petitioner submits that in terms of the Death-cum-Retirement Benefit Scheme, 1981, he is entitled to pension since his wife died while in service. Family pension is payable even after completion of an year in service in case an employee dies in harness.

8. Having regard to the facts and circumstances of the present case, this Court directs the District Inspector of Schools (PE), South 24 Parganas to process the petitioner's papers for family pension on account of the service of his wife, namely, Bhagabati Sardar within a period of two months from the date of receipt of a copy of this order along with the writ petition.

9. The Director of Pension, Provident Fund and Group Insurance, West Bengal shall also issue Pension Payment Order in favour of the petitioner immediately

upon receipt of calculation from the DI (PE) South 24 Parganas.

10. Let the arrears of pension be paid to the petitioner within a period of two months from date of issuance of Pension Payment Order without any interest.

11. With the aforesaid directions, the instant writ petition shall stand disposed of.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)