

03-04-2024
ct no. 13
Sl. 140
sp

WPA 22029 of 2023
Anupam Das Chakraborty
-Versus-

The State of West Bengal & Ors.

Ms. Jonaki Khan

..for the petitioner

Mr. Pinaki Dhole,
Md. Ziaur Rehaman

...for the State

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is the physically handicapped son of late Aswini Kumar Das Chakraborty who was a Head Teacher in the primary section at Khas Jangal Primary School under the DPSC- Paschim Medinipur, now DPSC- Jhargram.
3. The father died on November 6, 1976. On May 5, 2014, Pension Payment Order was issued in favour of the mother Lakshmi Mati Das Chakraborty. The mother died on February 19, 2022. The petitioner is 68% disabled in terms of certificate issued by the Medical Superintendent, Bankura Sammilani Medical College and Hospital, Bankura.

4. The petitioner, after death of his mother, applied for pension. The other children of the deceased father have issued an affidavit of no objection in favour of the petitioner.
5. A full bench decision dated June 20, 2023 of this Court in the case of ***State of West Bengal & Ors. Vs. Sabita Roy*** in MAT 1518 of 2019, widowed, unmarried and divorced daughters of deceased teacher, were retired prior to 01.04.1989, was found entitled to pension.
6. This Court has also allowed pension to physically handicapped sons of deceased teacher in several matters. A physically handicapped son incapable of performing any jobs, is similarly placed to a widow and/or unmarried and/or widowed daughter and/or divorced daughter. Admittedly, the petitioner has no source of income.
7. The D.I. of Schools (P.E.), Jhargram shall verify the disability certificate of the petitioner from the issuing authority forthwith and forward a report to the DPPG, West Bengal. Upon receipt of such report and if found genuine, the DPPG,

West Bengal shall issue a Pension Payment Order in favor of the petitioner within a period of one month from the date of receipt of a report from the concerned D.I.

8. The D.I. of Schools (P.E.), Jhargram shall forward a report to the DPPG, West Bengal, mandatorily and positively within a period of one month from date.
9. With the aforesaid observations, the instant writ petition shall stand disposed of.
10. There shall be no order as to costs.
11. Since the respondents have not used any affidavit, none of the allegations made in the writ petition shall not be deemed to have been admitted.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)