

10.07.2024.
Court No.13
Item No. 10
ap

W.P.A. No. 23642 of 2023

**Sovana Jana
Versus
The State of West Bengal & Ors.**

Mr. Anil Kumar Chattopadhyaya.

...For the petitioner.

Md. Mansoor Alam,
Mr. Debnarayan Patra.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner claims to be an unmarried daughter of Late Gajendranath Jana, an Assistant Teacher, who retired on 30th September, 1994 from Nauripara Srikrishna Vidyamandir, Village – Nauripara, Post Office – Anantapur, Police Station – Shyampur, District – Howrah. He was receiving pension until he died on 12th November, 1999. The petitioner's mother pre-deceased her father. The petitioner has a sibling, who has stated to have given no objection to the petitioner receiving pension.
3. Counsel for the State submits that the Office of the District Inspector of Schools (PE), Howrah has not received the legal heirs certificate of the petitioner or the affidavit of no objection from her sibling.
4. In the above circumstances, this Court directs the District Magistrate, Howrah to issue a legal heir

certificate of the deceased employee, namely, Late Gajendranath Jana upon making due enquiries.

5. The Office of the District Magistrate, Howrah shall also assist the District Inspector of Schools (PE), Howrah in ascertaining the marital status of the petitioner.

6. Upon receipt of all the documents including no objection certificate, legal heir certificate and confirmation of marital status of the petitioner, the District Inspector of Schools (PE), Howrah shall forward a recommendation for family pension for the petitioner, the alleged unmarried daughter of Late Gajendranath Jana to the Director of Pension, Provident Fund and Group Insurance, West Bengal. The Director of Pension, Provident Fund and Group Insurance shall thereupon issue Pension Payment Order and commence pension.

7. Let all arrears of pension from 1st December, 1999 be paid to the petitioner, however, without any interest, within a period of two months of the issuance of Pension Payment Order.

8. Let District Magistrate, Howrah be added as party respondent to the instant proceedings.

9. Leave is granted to the Advocate-on-record of the petitioner to effect necessary amendments in the cause title of the instant writ petition in course of the day.

10. Let service of a copy of this order along with a copy of the writ petition be effected on the District Magistrate, Howrah and the District Inspector of Schools (PE), Howrah and the Director of Pension, Provident Fund and Group Insurance, West Bengal afresh.

11. Instructions of the District Inspector of Schools (PE), Howrah dated 17th October, 2023 addressed to the State Advocate filed in Court today be kept with the record.

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

13. There will be no order as to costs.

14. 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.)