

22 03.10.2024
rkd Ct.18

W.P.A. 24801 of 2024

Jaydip Chatterjee & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Sourav Mitra,
Mr. Banshi Badan Maity

....for the petitioners.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the State.

Affidavit-of-service filed on behalf of the
petitioners is taken on record.

Petitioners are claiming to be the legal heirs
of a deceased retired assistant teacher. The teacher
retired on superannuation on 31st January, 1999
and got the benefit under the Contributory
Provident Fund Scheme (CPF). Subsequently, the
teacher exercised option to come under the
Pension-cum-Gratuity Scheme in terms of
Government notification dated 13th June, 2014
which was issued in terms of the judgment of the
Special Bench dated 16th July, 2013 passed on
intra court appeal being APO No.94 of 2009 (State
of West Bengal & Ors. -vs- Abhijit Baidya & Ors.).

The teacher died on 27th August, 2020 and
claim has been laid by the petitioners claiming to
be legal heirs for release of arrear pension from the

date following the date of retirement of the teacher till the date of refund made by the teacher for getting the benefit under Pension-cum-Gratuity scheme. It is also submitted that pension payment order was issued on 5th May, 2015 in favour of the retired teacher.

Having considered the submission made on behalf of the petitioners and the State respondents, it appears that claim of the petitioners being legal heirs to receive arrears pension from the date following the date of retirement of the teacher till the date of refund made by the said teacher can be considered by the concerned District Inspector of Schools (SE), Kolkata, being respondent no.4 only when claim of the petitioners is made along with legal heir certificate.

Petitioner are granted leave to make a representation to the respondent no.4 seeking release of arrear pension and such representation shall accompany legal heir certificate issued by the appropriate authority.

If the representation is made by the petitioners within a reasonable time, the respondent no.4 shall decide the representation in accordance with law and shall release the arrear pension if claim of the petitioners is fortified by

submission of legal heir certificate.

The decision to be taken by the respondent no.4 by four weeks from the date of receipt of representation from the petitioners.

The writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)