

23 03.10.2024
rkd Ct.18

W.P.A. 24805 of 2024

Utapl Das Mahapatra

-vs-

The State of West Bengal & Ors.

Mr. Sudipta Maiti

....for the petitioner.

Ms. Bratati Roy Chowdhury

....for the State.

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

Petitioner claiming to be only legal heir of a deceased retired teacher is claiming arrear pension from the date following the date of superannuation of the teacher till the date of refund made by the teacher after exercising option to come under the Pension-cum-Gratuity Scheme in terms of Government notification dated 13th June, 2014 for switching over from Contributory Provident Fund Scheme (CPF) to Pension-cum-Gratuity Scheme.

It is submitted that pension payment order was issued on 20th April, 2015. It is also submitted that teacher died on 13th June, 2016. Therefore, petitioner has come up with the present writ petition seeking direction upon the respondent authorities for release of arrear pension. However, in the writ petition legal heir certificate issued by

the appropriate authority is not annexed.

Having considered the submission made on behalf of the petitioner and the State respondents, it appears that claim of the petitioner being legal heir 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), Paschim Medinipur, being respondent no.3 only when claim of the petitioner is made along with legal heir certificate.

Petitioner is granted leave to make a representation to the respondent no.3 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 petitioner within a reasonable time, the respondent no.3 shall decide the representation in accordance with law and shall release the arrear pension if claim of the petitioner is fortified by submission of legal heir certificate.

The decision to be taken by the respondent no.3 by four weeks from the date of receipt of representation from the petitioner.

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.)