

11-06-2024
ct no. 13
Sl. 56
ap

W.P.A. 24393 of 2023

Latika Maity

-Versus-

The State of West Bengal & Ors.

Mr. Bhagbat Chaudhuri.

...for the petitioner

Mr. Chittaranjan Ghosh.

....for the State

Mr. Biswabrata Basu Mallick,

Mr. Biman Halder,

Mr. Amman Arif Ansari.

...for the DPSC, Hooghly

1. The subject matter of the instant writ petition is an objection raised by the Director of Pension, Provident Fund and Group Insurance, West Bengal that the petitioner ought not to have been "A" category pay scale with effect from 14th July, 2011 in terms of G.O. No. 209-SE dated 4th March, 2013.

2. This Court notes from the report of the District Primary School Council, Hooghly that the petitioner joined the school on 10th July, 2003 after having the requisite qualification prescribed at the relevant point of time by District Primary School Council, Hooghly.

3. The petitioner completed one year PTTE Course for the session 2005-2006. She

thereafter completed one year Bridge Course on 23rd April, 2014.

4. The petitioner was enjoying “A” category pay scale with effect from 14th July, 2011 in terms of the Memo issued by the School Education Department, Government of West Bengal vide No.209-SE(E)/PTTE/7/2011 dated 4th March, 2013.

5. This Court has carefully considered the arguments advanced by the petitioner and the State. This Court notes that the issue of entitlement of “A” category pay scale to teachers like the petitioner, with effect from the year 2011 in terms of Memo dated 4th March, 2013 has been upheld by the Division Bench of this Court in order dated 1st September, 2014 passed in M.A.T. No. 474 of 2014 (Bishnupada Ghosh & Ors. – Vs. – The State of West Bengal & Ors.).

6. In the above circumstances, the District Primary School Council, Hooghly cannot be faulted for giving “A” category pay scale to the petitioner with effect from 14th July, 2011.

7. In the backdrop of the above, this Court directs the Director of Pension, Provident Fund and Group Insurance, West Bengal to issue a Pension Payment Order in favour of the petitioner within a period of one month from the

date of receipt of a copy of this order along with a copy of the writ petition.

8. It is submitted that because of the objection raised by the Director of Pension, Provident Fund and Group Insurance, West Bengal, none of the other retiral benefits payable to the petitioner has been released.

9. The District Inspector of Schools (PE), Hooghly and the Director of Pension, Provident Fund and Group Insurance shall ensure release of all terminal benefits of the petitioner within the aforesaid period of one month. The pension payment order shall be issued in terms of the last drawn pay of the petitioner as has already been communicated by the District Inspector of Schools (PE), Hooghly.

10. Let the terminal benefits be paid together with interest at the rate of 7% per annum.

11. The arrears of pension shall also be paid within a period of two months from the date of issuance of Pension Payment Order together with interest at the rate of 7% per annum. In default of payment within the time stipulated above, the arrears and terminal benefits shall carry interest at the rate of 9% per annum.

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.)