

04-07-2024
ct no. 13
Sl.280
pk

WPA 23762 of 2019

Sekhar Kumar Mahato
-Versus-
The State of West Bengal & Ors.

Mr. Upendra Roy
...for the petitioner.

Mr. B. P. Vaisya,
Mr. Nilay Baran Mandal
...for the Kolkata Primary School Council

Mr. Susanta Pal,
Mr. Ananda Dular Sarkar
... for the State.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner's mother was an Assistant Teacher in Vishnu Vidyalaya and died in harness on 17.05.2008. During her life time, the petitioner's mother declared before the S. I. of Schools(PE), Kolkata that 50 per cent each of her service benefits would be payable to the petitioner and the other son, Bishnu Kumar Mahato.
3. The petitioner's mother was not paid 8 months of salary during her lifetime.
4. The petitioner, therefore, claims 50 per cent of the outstanding payable salary on account of his mother's service and the 50 per cent of the PF dues on account of his mother's service.
5. In the above circumstances, this Court directs the Chairman, DPSC, Kolkata/respondent

no. 2 to release 50 per cent of the arrears of salary on account of the petitioner's mother service and 50 per cent of the provident fund dues each to the petitioner and the said Bishnu Kumar Mahato within a period of 12 weeks from the date of receipt of a copy of this order along with a copy of the writ petition.

6. The writ petitioner and the said Bishnu Kumar Mahato shall produce all documents of identity and proof of relationship with the employee and bank particulars. The petitioner shall furnish the address of Bishnu Kumar Mahato to the DPSC Kolkata and only in the physical presence of both the petitioner and the said Bishnu Kumar Mahato and upon verification of their respective documents of identity and relationship with the mother Shakuntala Mahato, shall payments be released to the two brothers at the same time.

7. With the aforesaid observations, the writ petition is disposed of.

8. There will be no order as to costs.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

