

Ml- 04.09.2024
115 Ct.18
rkd

W.P.A. 28974 of 2022

Saimoounesa Khatoon

-vs-

The State of West Bengal & Ors.

Mr. Uttam Banerjee,
Mr. Arunesa Pathak

....for the petitioner.

Mr. Mrinak Kanti Biswas

....for the State.

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

The widow of a deceased teacher has come up with the present writ petition claiming benefits of 6th Pay Commission Recommendation in connection with the service rendered by her husband till 31st October, 2002. Husband of the petitioner retired on superannuation on 31st October, 2002 and died on 2nd November, 2021.

It is submitted by the learned advocate representing the petitioner that after superannuation of the husband of the petitioner pension case of her husband was duly settled and he was in receipt of pension and other benefits regularly.

Now the wife of the petitioner claims implementation of 6th Pay Commission Recommendation for consolidation of pension of

her husband.

State respondents are represented by the learned advocate who has opposed the prayer of the petitioner on the ground that 6th Pay Commission Recommendation is not applicable in case of teachers working in Government aided secondary school.

On the contrary, it is submitted that Revision of Pay and Allowances Rules issued from time to time by the concerned State respondents are applicable for consolidation of service benefits of the approved teaching and non-teaching staff working in the schools.

On consideration of the facts, it appears that the husband of the petitioner who retired on 31st October, 2002 during his lifetime after superannuation for a period of 19 years did not raise any grievance with regard to retiral dues. After death of the husband of the petitioner, the wife has filed this writ petition claiming benefit of 6th Pay Commission Recommendation which appears to be inapplicable in case of service rendered by her husband being an Assistant Teacher in a Government aided secondary school.

It is not a case that in releasing service benefits to the husband of the petitioner Revision of

Pay and Allowance Rules were not given effect to.

Before parting with it needs to be recorded that husband of the petitioner did not approach this Court within the period of 19 years after his retirement and subsequently, the widow has come after superannuation of the husband of the petitioner on 31st October, 2002; therefore claim of the petitioner appears to be stale.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)