

06.03.2024.
Court No. 13
Item no. 79.
ap

W.P.A. No. 28991 of 2023

Momena Bibi
Versus
The State of West Bengal & Ors.

Mr. Rajib Kumar Basu.
..For the petitioner.
Mr. Vimal Kumar Shahi
Mr. Vijay Agarwal.
...For the State.

1. The petitioner is the wife of one Late Liaquat Ali Sardar, Assistant Teacher of Hinchakhali Free Primary School, Canning Circle, South 24 Parganas. He worked from 14th February, 1992 till 25th May, 2009 where he fell ill and was paralyzed.

2. He remained absent for 1529 days, i.e. more than three years till his superannuation on 31st July, 2013. He applied before the Chairman, District Primary School Council, South 24 Parganas (in short DPSC, South 24 Parganas) for treating his absence of 1529 days as extraordinary leave without pay and also applied for pension on 17th December, 2019. He died on 8th March, 2020.

3. Since the District Inspector of Schools (PE), South 24 Parganas is authorized to treat

absence only upto a period of two years extraordinary leave without pay, the District Inspector of Schools (PE), South 24 Parganas has applied before the DPSC, South 24 Parganas for sanction in this regard. The said sanction is necessary for processing the family pension on account of the deceased in favour of the writ petitioner. The DPSC, South 24 Parganas has not considered the request of the District Inspector of Schools (PE), South 24 Parganas since necessary documents were not produced.

4. In those circumstances, the petitioner shall furnish all necessary documents to the DPSC, South 24 Parganas through the District Inspector of Schools (PE), South 24 Parganas as may be specified by the later in consultation with the DPSC, South 24 Parganas within a period of three weeks from date.

5. The Office of the District Inspector of Schools (PE), South 24 Parganas shall render necessary assistance to the petitioner, since she is an illiterate widow, in obtaining the documents in question.

6. Upon receipt of all the documents, the DPSC, South 24 Parganas shall take a sympathetic view in the matter and consider

passing appropriate orders with regard to the sanction of extraordinary leave to the petitioner's late husband.

7. The District Inspector of Schools (PE), South 24 Parganas shall thereupon process necessary papers and forward the same to the Director of Pension, Provident Fund and Group Insurance, West Bengal for necessary steps for issuance of Pension Payment Order.

8. It is expected that the entire process, as indicated above, be completed within a period of two months from date.

9. With the aforesaid directions, the writ petition is disposed of.

10. There will be no order as to costs.

11. 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.)