

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

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19.02.2024
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WPA 205 of 2024

**Indira Chhetri
Vs.
The State of West Bengal & Ors.**

**Mr. Deborshi Dhar
Mr. Somraj Pal
...for the petitioner**

**Mr. Hirak Barman
Ms. Bedashruti Bose
...for the State**

The grievance of the petitioner being the widow of assistant teacher is non-payment of family pension and other terminal benefits in her favour due to untimely death of her husband on 22nd March, 2022.

It has been submitted by Mr. Deborshi Dhar, learned advocate representing the petitioner that not even provident fund has been released in her favour after death of her husband.

A writing has been placed before this Court during course of hearing today which has been signed by the District Inspector of Schools (SE), Alipurduar dated 15th February, 2024 wherefrom it appears that Assistant Director of Accounts (SE), Alipurduar raised certain objections with regard to obtaining leave while petitioners' husband was serving in Nutanbosh Junior High School, Dinhata,

Coochbehar and Deor Panaulla High School, Dakshin Dinajpur. It is also observed in paragraph-7 of the said writing dated 15th February, 2024 by the concerned District Inspector of Schools that the question has been raised by the Assistant Director of Accounts (SE) Alipurduar relating to completion of post graduate course by the deceased husband of the petitioner. Such writing dated 15th February, 2024 is taken on record.

Having considered the nature of objection raised by the Assistant Director Accounts (SE), Alipurduar and taking note of the fact situation of the present writ petition in view of death of the husband of the petitioner it appears if the said Assistant Director of Accounts has any reservation while approving family pension case of the petitioner based on leave obtained by the husband of the petitioner and concern which has been expressed relating to completion of post graduate course, petitioner being the wife of the deceased teacher is not answerable.

Furthermore, it appears that the husband of the petitioner obtained leave prior to joining Sishubari High School on 20th December, 2013. It appears that if leave has been enjoyed by the husband of the petitioner i.e. approximately 9 years before the death of the husband of the petitioner and

contemporaneously no objection was raised by the authorities while sanctioning post graduate scale of pay in favour of the husband of the petitioner on his joining Sishubari High School on 20th December, 2013 and the husband of the petitioner continued to enjoy post graduate scale of pay till his death on 22nd March, 2022. Therefore, after the death of husband in harness it is hardly possible so far the widow is concerned to explain these issues as have been raised by the Assistant Director of Accounts.

In aforesaid conspectus the District Inspector of Schools (SE), Alipurduar as well as Assistant Director of Accounts (SE), Alipurduar are directed to finalise the family pension case of the petitioner within 4 (four) weeks from date and forward the papers to the Director of Pension, Provident Fund and Group Insurance within 1 (one) week thereafter. Director of Pension, Provident Fund and Group Insurance on receipt of those papers is directed to issue Pension Payment Order upon completion of all formalities within fortnight from the date of receipt of the papers.

However, authorities are directed to release family pension and other dues to the petitioner at an early date but not later than 8 (eight) weeks from the date of communication of the order.

The concerned authorities of Sishubari High School being the respondent no. 6 is directed to release provident fund dues to the petitioner within fortnight from the date of communication of this order if the same is not paid by this time.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Learned advocate for the petitioner is granted leave to amend the cause title and add Assistant Director of Accounts (SE), Alipurduar as additional respondent in course of this day. Service of notice upon the additional respondent stands waived since State-respondents are represented by Mr. Hirak Barman, learned advocate.

Mr. Deborshi Dhar, learned advocate has tendered undertaking to file affidavit-of-service in course of this day.

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

(Saugata Bhattacharyya, J.)