

Item No.39
13.06.2024
Court. No. 2
GB

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

WPA 1135 of 2024

Sri Pradyut Kumar Roy
VS
The State of West Bengal & Ors.

Mr. Amales Roy

...for the Petitioner.

*Mr. Momenur Rahman,
Mr. Pradip Sarkar*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The writ petitioner is the husband of a deceased employee of a primary school. The petitioner's wife died-in-harness on April 13, 2023.

It is contended by the petitioner that the pensionary benefits have not been released as the Pension Payment Order is still awaited. It is apprehended by the husband that the authorities may raise a question with regard to the eligibility to his wife to be allowed 'A' category scale of pay. Such apprehension is substantiated by a communication downloaded from the e-pension portal of the Government, wherein the Director of Pension Provident Fund and Group Insurance made an observation that notification no.209-SE(E)/PTTI-7/2011 dated March 4, 2013 shall be followed with regard to allowing 'A' category scale of pay.

It is not in doubt that the petitioner's wife was enjoying 'A' category scale of pay. It is also not in doubt that the petitioner's wife already had one year diploma in teachers' training in 2004 when she was appointed and

thereafter, in terms of various circulars she had also completed a one year bridge course while in service in terms of the circulars being nos.389(38)-SE(E)/PTTI-7/11 dated August 13, 2012 and 209-SE(E)/PTTI-7/2011 dated March 4, 2013.

Thus, the question of authorities retracting from their earlier stand of allowing 'A' category scale of pay to the deceased wife of the petitioner would not arise and it is admitted that the State Government has not made any demand in this regard.

Thus, the authorities are directed to immediately prepare the Pension Payment Order and release the death dues as also the family pension in respect of the deceased employee, Smt. Sanchita Roy, who had died-in-harness while serving as an assistant teacher in a primary school. The entire exercise shall be completed within a period of four months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)