

21.04.2025
Court No. 18
Item No.66
(Suvendu)

WPA 5121 of 2025

Tripti Rani Maisal
-Versus-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
Mrs. Sudipta Pramanik
.....for the petitioner

Mr. Amit Gupta
....for the State

In terms of order dated 24th March, 2025, the District Inspector of Schools (SE), Kolkata being respondent no. 3 has issued two memoranda, one dated 8th April, 2025 and another dated 16th April, 2025. Contents of both the memoranda dated 8th April, 2025 and 16th April, 2025 refer to requirement of issuance of concurrence order by the District Inspector of Schools (SE), Purba Medinipur in terms of order dated 3rd October, 2013 passed in WPA 29916 of 2013 for settling family pension case of the petitioner. Copies of both the memoranda are placed before this court and same are taken on record.

Husband of the petitioner was an Assistant Teacher in Tikrapara A.K. High School, Purba Medinipur before joining the post of

Assistant Teacher on 29th October, 2021 in Mitra Institution (Main), Kolkata. Husband of the petitioner died-in-harness on 23rd February, 2022 but till date family pension case has not been settled in favour of the petitioner which triggered the present writ petition. Petitioner prays for expeditious sanction of family pension due to untimely death of her husband on 23rd February, 2022.

Husband of the petitioner preferred a writ petition being WPA 29916 of 2013 which was disposed of by a Coordinate Bench vide order dated 3rd October, 2013 directing the then District Inspector of Schools (SE), Purba Medinipur to extend incremental benefits in favour of husband of the petitioner for acquiring Ph.D. degree from the date of convocation. Accordingly, husband of the petitioner was sanctioned incremental benefits for possessing Ph.D. degree from the date of convocation and subsequently joined Mitra Institution (Main), Kolkata on 29th October, 2021 and died-in-harness on 23rd February, 2022.

At the time of settling family pension case of the petitioner State respondents raised objection relating to sanction of incremental benefits for possessing Ph.D. degree which appears to be not tenable since the issue was

decided by the Coordinate Bench on 3rd October, 2013 while disposing of writ petition being WPA 29916 of 2013 preferred by husband of the petitioner.

Since the issue of entitlement of husband of the petitioner to receive incremental benefits for possessing Ph.D. degree has already attained finality on the strength of order dated 3rd October, 2013 passed by the Coordinate Bench in WPA 29916 of 2013 concerned State respondents including respondent no. 3 are directed to settle the family pension case of the petitioner by four weeks from date of communication of this order without refixing pay of husband of the petitioner excluding incremental benefits and without insisting upon the petitioner and the concerned school authority to submit concurrence order as stated in both the memoranda dated 8th April, 2025 and 16th April, 2025. On settling family pension case of the petitioner within the aforesaid time, the Director of Pension, Provident Fund and Group Insurance being respondent no. 6 is directed to issue Pension Payment Order within fortnight thereafter. State respondents are directed to release family pension in faovur of the petitioner at an early date but not later than

eight weeks from the date of communication of this order.

Writ petition stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)