

03.07.2025.
PB
Sl. No.7.
Ct. No.7.

WPA 5616 of 2022

Nirupama Das
Vs.
The State of West Bengal & Ors.

Mr. Shibaji Kumar Das,
Mr. Dipendu Sarkar.
... For the Petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder.
.....For the State.

An octogenarian lady has approached this Court with the present writ petition, seeking issuance of a writ of mandamus directing the concerned respondents to issue the Pension Payment Order (in short, PPO) in her favour, and to release the family pension along with all other death-cum-retirement benefits accruing to her on account of the demise of her husband.

Succinctly stated, the facts giving rise to the institution of the present writ petition are that the petitioner's husband was employed as an Assistant Teacher at Ramchandrapur Pallimangal Vidyapith (H.S.) Colony (hereinafter referred to as "the school"), situated in Village Thakurnagar, District North 24 Parganas. His appointment was duly approved with effect from 1st March, 1963.

After rendering continuous and unblemished service for a period of seventeen and a half years, the petitioner's husband unfortunately died in harness. He was survived by

the present petitioner, his lawful spouse. However, the family pension and other death-cum-retirement benefits that became due and payable to the petitioner upon the demise of her husband have not been disbursed to her by the concerned authorities. Aggrieved by such inaction and denial of her rightful entitlements, the petitioner has been constrained to approach this Hon'ble Court by filing the present writ petition.

The affidavit in opposition filed on behalf of the respondent no.6 is taken on record. Petitioner submits that the petitioner is not inclined to file reply thereto.

Mr. Das, learned Advocate appearing for the petitioner, in his usual fairness, candidly submits that there was a delay on the part of the petitioner in approaching the appropriate authority for claiming the death-cum-retirement benefits, including family pension. He submits that the petitioner was not in possession of certain essential service-related documents pertaining to her late husband. He further submits that the petitioner made earnest efforts and moved from pillar to post in an attempt to collect the requisite service records of her deceased husband; however, despite her best efforts, she was unable to obtain the necessary documents, and all such attempts ultimately proved futile.

As a last resort, the petitioner approached the concerned school authority and submitted an application under the relevant provisions of the Right to Information Act, 2005, seeking access to the service-related records of her late husband. However, the said application was initially rejected on the ground that the Right to Information Act had

not been in force at the time of her husband's demise. Aggrieved by such rejection, the petitioner was left with no alternative but to prefer a statutory appeal under the provisions of the said Act, challenging the order of denial. Thereafter, certain documents were provided to the petitioner.

Mr. Das further submits that it has now come to the notice of the District Inspector of Schools, as well as the authorities of the said school, that the petitioner's husband, after rendering service for nearly seventeen and a half years as an Assistant Teacher, died in harness. Despite this, no benefits, including family pension and other admissible death-cum-retirement benefits, have thus far been extended in favour of the petitioner.

He submits that a direction be given to the competent authority to take all necessary and appropriate steps for releasing the family pension and other admissible dues accrued to the petitioner by virtue of the death of her husband.

Mr. Halder, learned Advocate appearing for the State, submits that the State has no objection if the issue is remitted to the District Inspector of Schools with a direction to consider and decide upon the petitioner's claim.

Having heard the learned Advocates for the respective parties and upon perusal of the records, I am of the considered view that there is no justification for keeping this writ petition pending any further.

Admittedly, certain documents have been furnished to the petitioner by the school authority, and I have been

informed that certain service-related documents pertaining to the petitioner's late husband have already been forwarded to the District Inspector of Schools.

In view thereof, the writ petition is disposed of with a direction to the District Inspector of Schools to adjudicate upon the petitioner's claim for family pension and other admissible death-cum-retirement benefits accruing to her by virtue of the death of her husband, who died in harness after rendering seventeen and a half years of service as an Assistant Teacher at the school.

The District Inspector of Schools, before passing any decision on the petitioner's claim, shall afford the petitioner a reasonable opportunity of hearing and thereafter pass a reasoned and speaking order. In the event the District Inspector of Schools finds merit in the petitioner's contentions, he shall take appropriate follow-up action, including the issuance of the family pension order and the payment of other admissible dues. Conversely, if the District Inspector of Schools does not find merit in the petitioner's claim, he shall record his reasons in writing and communicate the same to the petitioner.

The entire exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.

The school authority is directed to extend all sorts of cooperation to the District Inspector of Schools to comply with this order in its letter and spirit.

With the following direction and observation, the writ petition being WPA 5616 of 2022 is, thus, disposed of.

Urgent photocopy of this order, if applied for, shall be provided to the parties, upon compliance of all necessary formalities.

(Partha Sarathi Chatterjee, J.)