

07 28.04.2025
KC Ct.18

W.P.A. 8114 of 2025
Dulal Chandra Maiti

-vs-

The State of West Bengal & Ors.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury

....for the petitioner.

Mr. Jahar Dutta
Mr. Bipin Ghosh
Mr. Gautam Basu

....for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Grievance of the petitioner is failure to sanction benefits of retiral dues and pension, which are payable to the wife of the petitioner, who was Assistant Teacher of Khirpai High School (H.S.), Paschim Medinipur. Wife of the petitioner retired on 30th June, 2017. After superannuation of the wife of the petitioner, Pension Payment Order (PPO) was issued on 27th July, 2020. The retiral dues including pension were paid to the wife of the petitioner under ROPA-2009. Thereafter, wife of the petitioner died on 18th August, 2020. Husband being the petitioner has come up with the present writ petition claiming sanction of benefits under ROPA 2019 since wife of the petitioner retired on 30th June, 2017 whereas ROPA 2019 came into effect w.e.f. 1st January, 2016.

It is contended on behalf of the State

authority in reference to Memo dated 26th July, 2024 issued by the District Inspector of Schools (S.E.), Paschim Medinipur being the respondent no. 3 that in spite of request was made to the authority of Khirpai High School for submission of duplicate service book and other documents since those papers were not submitted steps could not be taken for sanction of benefits under ROPA 2019.

In consideration of the issue involved in the writ petition, it appears that after superannuation of the wife of the petitioner on 30th June, 2017, PPO was issued on 27th July, 2020 which goes to show that all relevant documents must have been forwarded by the school authority to the respondent no. 3 based on which pension case of the wife of the petitioner was settled. Therefore, it is expected that all the relevant documents were lying in the office of respondent no. 3. However, if copies of any documents are required, respondent no. 3 are at liberty to obtain the same from the school authority or from the petitioner by fortnight from the date of communication of this order. After obtaining those documents, respondent no. 3 is directed to decide entitlement of the petitioner to receive retiral dues, which is payable to his wife in terms of ROPA 2019 by four weeks thereafter. Decision to be taken by the respondent no. 3 shall

be communicated to the petitioner by ten days thereafter. If it is decided in affirmation that the entitlement of the petitioner to receive the benefits under ROPA 2019 in connection with service of the wife of the petitioner, consequential steps shall be taken immediately thereafter for release of such benefits in favour of the petitioner.

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 learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)