

W.P.A. 18456 of 2023

**Gita Gangopadhyay
Vs.
The State of West Bengal & Ors.**

Mr. Lal Mohan Hajra
Mr. Somesh Panja
Ms. Anuradha Hajra
Ms. Moutusi Hazra

...for the Petitioner

Mr. Bhaskar Prasad Vaisya, AGP
Mr. Suman Dey

...for the State

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

Matter is heard in presence of the learned advocates representing the petitioner and State respondents.

The grievance of the petitioner is fixation of pension which has not been made in terms of relevant provision in view of superannuation of the petitioner on 28th February, 2009. It is contended if correct norms had been applied, pension of the petitioner could have been fixed at Rs.13710/- instead of Rs.10387/-.

However, while opposing the writ petition Mr. Vaisya, learned Additional Government Pleader has brought to the notice of this Court memo dated 26th December, 2017 issued by the District Inspector of Schools (S.E.), Paschim Medinipur in terms of the order dated 27th April, 2017 passed by a coordinate bench on a writ petition being WP No.643 of 2016.

On perusal of the order of the District Inspector of Schools (S.E.), Paschim Medinipur it appears that the tenure of the service of the petitioner was from 1st January, 1984 to 28th February, 2009 and on calculation it was found that approximately petitioner's period of service was 25 years. However, the methodology for fixing pension of a teacher as contained in G.O.74-SE (B) dated 19th May, 2009 was found to be inapplicable in case of the petitioner since such methodology can be applied on and from 31st March, 2009 whereas petitioner retired from service on 28th February, 2009.

The memo dated 26th December, 2017 is not questioned in the present writ petition. It also transpires that petitioner obtained the benefit of pension on her superannuation on 28th February, 2009 and present writ petition has been filed on 1st August, 2023. Petitioner has prayed for consolidation of pension by filing the writ petition in the month of August, 2023 after order was passed by the concerned District Inspector of Schools (S.E.) on 26th December, 2017 that is precisely after six years. In addition thereto in the writ petition memo dated 26th December, 2017 issued by the District Inspector of Schools (S.E.), Paschim Medinipur is not under challenge.

In view of the aforesaid scenario, no relief can be granted to the petitioner. Hence, writ petition stands dismissed.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)