

S/L 13
01.08.2024
Court. No. 551
Suwayan

WPA 17505 of 2015

Radha Ray
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya
Mr. Ashok Kr. Jana
Ms. Pampa Dey (Dhabal)
Mr. Krishna Deo Das
Mr. Biswaroop Chatterjee

...for the petitioner.

Mr. Supriya Chattopadhyay
Mr. Arindam Ghosh

...for the State.

1. Both the petitioner and the respondent No. 1 to 5 that is the State and its functionaries are represented by their respective learned Advocates.
2. In course of hearing learned Advocate for the writ petitioner has handed over a server copy of the order dated June 10, 2024 as passed in MAT 1082 of 2019 (The State of West Bengal and Others vs. Radha Ray and Another) by a Division Bench of this Court whereby and whereunder the order dated March 5, 2019 as passed in this writ petition was set aside and the said Hon'ble Division Bench remanded the matter for hearing the instant writ petition afresh as expeditiously as possible.
3. Learned Advocate for the State/respondents has handed over a photocopy of letter dated June 25, 2024 as written by D.I. of Schools (S.E.), Cooch Behar to the Deputy Director of Accounts, School Education Department, Cooch Behar regarding submission of

pension papers in favour of the writ petitioner, Smt. Radha Ray.

4. On perusal of the prayer of the writ petitioner it appears that it is the grievance of the writ petitioner that the share of the contributory provident fund along with interest as payable by the State is not deposited by the State in the treasury for which the petitioner cannot avail the benefit of the G.P.F. scheme.
5. It is further reported that in the meantime the writ petitioner has superannuated from her service but till date no pension has been paid to the writ petitioner though prior to retirement she was in service for a continuous period of 23 years as submitted by the learned Advocate for the writ petitioner.
6. *Prima facie*, this Court finds no reason for withholding the pension of the present petitioner for alleged non-deposit of the contribution on the part of the State in the contributory provident fund scheme. Though it is the case of the petitioner that she has already deposited her share in such C.P.F. scheme along with interest.
7. In view of such, this Court directs the respondent No. 5, i.e.; the District Inspector of Schools (SE), Coochbehar as well as the respondent No. 3, i.e.; the Director of Pension Provident Fund and Group Insurance, West Bengal, Purtha Bhaban, Salt Lake

City, Kolkata – 700091 to disburse the pension of the writ petitioner at the earliest on compliance of the all formalities by the petitioner and in the event it is found that the writ petitioner is entitled to the pension but the same cannot be disbursed on account of some other reason, the aforementioned two respondents shall take appropriate steps for grant of provisional pension positively within a month from the date of communication of this order, if the petitioner is so entitled.

8. At this stage, learned Advocate for the respondents/State submits before this Court that for effective adjudication of the instant writ petition he requires further instruction from his client. Accordingly, learned Advocate for the State/respondents prays for an accommodation for a fortnight.

9. Prayer for accommodation is considered and allowed.

10. Let the matter be listed on August 22, 2024 under the heading “For Hearing”.

11. Liberty is given to the State/respondents to file affidavit-in-opposition positively within August 16, 2024 after serving a copy of the same to the learned Advocate for the writ petitioner.

12. In the event such affidavit-in-opposition is filed similar liberty is given to the writ petitioner to file affidavit-in-reply on or before the adjourned date.

13. Learned Advocate for the State/respondents is hereby requested to communicate the server copy of this order to the respondent Nos. 3 and 5 for their immediate compliance.

(Partha Sarathi Sen, J.)