
(2025) 08 CAL CK 0654
In the Calcutta High Court, Appellate Side
Case No : W.P.A. 16943 Of 2025

Mitali Adhikary

APPELLANT

Vs

Jadavpur University & Others

RESPONDENT

Date of Decision : 26-08-2025

Acts Referred:

Citation : (2025) 08 CAL CK 0654

Hon'ble Judges : Saugata Bhattacharyya, J

Bench : Single Bench

Advocate : Koushik Chatterjee, Mousam Sharma, Arindam Chattopadhyay,
Lipika Chatterjee

Final Decision : Disposed Of

Judgement

Saugata Bhattacharyya, J

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner submits husband of the petitioner was an approved Clerk of a Government aided school, who discharged duty as Clerk from 5th March, 1973 till 5th January, 1987. Thereafter, husband of the petitioner was appointed as Assistant Teacher in the same school on 6th January, 1987 and retired on superannuation from the post of Assistant Teacher on 28th February, 2013.
3. Benefits which were payable to the husband of the petitioner was considered by the Commissioner of School Education, West Bengal and an order was passed vide memo date 24th August, 2020 wherein it was decided that husband of the petitioner was entitled to one additional increment on 6th January, 2007 for completion of another ten years of service as Assistant Teacher in the school. District Inspector of Schools (S.E.), Hooghly being respondent no.3 was directed to issue revised pension payment order and to refund the amount which was deducted from the gratuity of the husband of the petitioner that is, Rs.63,815/-.

4. Learned advocate representing the petitioner submits till date order of the Commissioner of School Education dated 24th August, 2020 has not been implemented. Meanwhile husband of the petitioner died on 11th November, 2021 as a result whereof widow being the petitioner, has approached this Court with the present writ petition for extending the benefit of the memo dated 24th August, 2020 issued by the Commissioner of School Education.

5. State respondents are represented by learned advocates.

6. It is submitted on behalf of the State respondents that steps are being taken by the concerned State authorities for giving effect to the memo dated 24th August, 2020 issued by the Commissioner of School Education. Since it has already been decided by the Commissioner of School Education in the order dated 24th August, 2020 that husband of the petitioner was entitled to one additional increment on 6th January, 2007 for completion of another ten years of service as Assistant Teacher in the school, it was rightly decided that concerned State authority is required to issue a revised pension payment order and refund Rs.63,815/-. Astonishingly till date order of the Commissioner of School Education dated 24th August, 2020 is not implemented.

7. Having considered the respective submissions made on behalf of the parties and taking note of the decision of the Commissioner of School Education as contained in memo dated 24th August, 2020, State respondents are directed to issue revised pension payment order strictly in terms of the memo dated 24th August, 2020 issued by the Commissioner of School Education, West Bengal and refund Rs.63,815/- within a period of four (4) weeks from the date of communication of this order.

8. The refunded amount that is, Rs.63,815/- shall carry interest at the rate of eight per cent per annum from the date following the date of retirement of the husband of the petitioner till the date of release of the same in favour of the present petitioner.

9. With the aforesaid directions, writ petition stands disposed of.

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