

**09.12.2024**  
Court No. 18  
Item No. 05  
(Suvendu)

**W.P.A. 28278 of 2024**

Rabiya Bibi  
-Versus-

The State of West Bengal & Ors.

Ms. Sreyasree Choudhury  
...for the petitioner

Mr. Ratul Das  
.....for the State respondents

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

Petitioner, being widow of a deceased teacher, is praying for arrear pension in connection with service of her husband from the date following date of retirement of husband of the petitioner till the date of refund which was made by her husband in terms of Government Notification dated 13<sup>th</sup> June, 2014 since petitioner's husband refunded benefits under Contributory Provident Fund for switching over from CPF to GPF.

Learned advocate representing State respondents has opposed the prayer of the petitioner on the ground that retired teacher, who expired on 19<sup>th</sup> August, 2023, had two wives and first wife died on 21<sup>st</sup> November,

2019. Therefore, according to State respondents, no right accrues in favour of second wife of the petitioner to receive arrear pensionary benefits.

On perusal of page 17 of the writ petition, which is the Pension Payment order, as it has been submitted on behalf of the petitioner; it is not discernable whether on settling the claim of the petitioner being the second wife benefits have been extended in favour of the petitioner or not.

Having considered aforesaid situation, this Court finds that the issue involved in this writ petition needs to be decided on exchange of affidavits.

Let affidavit-in-opposition to this writ petition be filed by two weeks after ensuing Christmas vacation. Reply thereto, if any, be filed by two weeks thereafter.

Parties shall be at liberty to mention the matter before the appropriate Bench for expeditious hearing after the time fixed hereinabove for exchanging affidavits.

**(Saugata Bhattacharyya, J.)**