

WPA 6689 OF 2020
Debi Giri
Vs.
State of West Bengal & Ors.
+
IA No. CAN 1 of 2020
(CAN 5579 of 2020)
(via Video Conference)

Mr. Soumen Kumar Dutta
Mr. Saurav Dutta

.... For petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das

.... For State

This is an application for early hearing, which is disposed of by taking up the writ petition for consideration.

CAN 5579 of 2020 is disposed of.

The application for family pension by an unmarried sister was rejected by the impugned writing dated March 5, 2019.

Learned advocate appearing for the petitioner relies upon the notification dated July 18, 1968 and submits that, the definition of family includes unmarried sister.

Learned advocate appearing for the State submits that, 1968 Pension Rules stand substituted by the West Bengal Recognized Non-Govt. Educational Institution Employees' (Death cum Retirement) Benefits Scheme, 1981, in which the definition of the word 'family' does not include an unmarried sister.

The parties are governed by the scheme of 1981.
Family is defined in the scheme of 1981 as follows:-

“Family” includes the following relatives of an employee namely-

(1) For the purpose of a death gratuity-

- (i) wife in the case of a male employee*
- (ii) husband in the case of a female employee*
- (iii) sons including step-sons*
- (iv) unmarried and widowed daughters including step-daughters*
- (v) adopted sons/daughters*
- (vi) brothers below the age of 18 years and unmarried or widowed sisters*
- (vii) father*
- (viii) mother*

(2) For the purpose of a family pension-

- (i) wife in the case of a male employee*
- (ii) husband in the case of a female employee*
- (iii) minor sons including adopted sons*
- (iv) unmarried minor daughters including adopted daughters*
- (v) dependent parents.”*

Since the definition of family and family pension given in the scheme of 1981 does not include an unmarried sister, I find no material irregularity in the impugned notice warranting interference of the writ Court under Article 226 of the Constitution of India.

WPA 6689 of 2020 is dismissed.

(DEBANGSU BASAK, J.)