

15.12.2020

Item No.28
Court No.25
Avijit Mitra

W.P.A. No. 17261 of 2019 (Via Video Conference)

**In re: Deepabali Bhattacharya
- Versus -
State of West Bengal & Ors.**

Mr. Uttiya Ray

For the Petitioner

Ms. Chaitali Bhattacharya

For the State respondents

Mr. Apurba Ghosh

For the Private respondents

Mr. Ray, learned advocate appearing for the petitioner submits that the petitioner is the unmarried daughter of Kumkum Banerjee (Bhattacharya). Her mother met with a road accident and died-in-harness on 28th September, 2017 while working in the post of assistant teacher in Barrackpore Girls' High School (H.S.) (in short, said school). In the said road accident, the petitioner's father, namely, Pradip Kumar Bhattacharya also expired. Except her, the only other legal heir is her brother, being the respondent no.6. In spite of submission of relevant documents and a representation dated 14th December, 2018, the pension sanctioning authority, being the respondent no.4 has taken no steps towards disbursement of the death-cum-retirement benefits in favour of her and the respondent no.6 equally. She has also not been sanctioned the family

pension. Reminders were also issued by the petitioner to the respondent no.4 on 18th December, 2018 and 8th August, 2019 but in vain.

Mr. Ghosh, learned advocate appearing for the respondent no.6 submits that the said respondent has no objection in the event the family pension and 50% of other death-cum-retirement benefits are sanctioned in favour of the petitioner.

Ms. Bhattacharya, learned advocate appears for the State respondents.

It appears that as there is no dispute between the petitioner and the respondent no.6 appropriate steps can be taken by the respondents towards disbursement of family pension in favour of the petitioner and to divide and disburse equally the other death-cum-retirement benefits of the deceased employee in favour of the petitioner and the private respondent no.6.

Upon hearing the learned advocates appearing for the respective parties and upon considering the materials on record, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the pension sanctioning authority, being the respondent no.4.

Accordingly, this Court directs the respondent no.4 to consider the petitioner's representations dated 14th December, 2018 and 8th August, 2019, upon

granting an opportunity of hearing to the petitioner, the school authorities and the respondent no. 6 and to take appropriate steps towards disbursement of the death-cum-retirement benefits and family pension, in accordance with law and in the light of the observations made in this order, within a period of eight weeks from the date of communication of this order along with the copy of the writ petition.

It is made clear that on the scheduled date of hearing, the school authorities shall produce all relevant documents and extend all cooperation so that the dispute can be resolved.

The other respondents shall also take all follow up steps and ensure that the benefits are disbursed.

It is made clear that this Court has not considered the issue as regards grant of interest.

With the above observations and directions, the writ petition is disposed of.

There shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)