

09.12.2020
Item No.30
Daily List
Court No.25
Krishnendu

W.P.A. No. 9161 of 2020
(VIA VIDEO CONFERENCE)

In re: Sudipta Bhattacharya
- Versus-
The State of West Bengal & Ors

Mr. Ekramul Bari
Mr. Mansur Ali
Mrs. Tanuja Basak
For the Petitioner

Affidavit of service filed by the petitioner be kept
on record.

The present writ petition has been preferred *inter alia* praying for issuance of necessary direction upon the respondents to disburse the benefits of family pension in favour of the petitioner.

Mr. Ali, learned advocate appearing for the petitioner submits that the petitioner is the unmarried daughter of the deceased employee, namely, Dipti Mitra, who retired from the post of an assistant teacher and ultimately expired on 14th March, 1998. After retirement, the petitioner's mother got the pensionary benefits. After the death of her mother, the petitioner's father received family pension till his death on 15th March, 2014. Thereafter, the petitioner submitted an application for grant of family pension before the school authorities on 3rd June, 2014. As the same was not considered, the petitioner also approached the

respondent no. 3, who in turn, by a memo dated 4th July, 2017 directed the respondent no. 4 to submit the family pension case of the petitioner. In the midst thereof, the petitioner had furnished the legal heirs certificate and the income certificate to the school authorities. Thereafter, there had been no response from the authorities and the petitioner is suffering from extreme financial distress.

Mr. Ali submits that there is no dispute as regards the entitlement of the petitioner to avail the benefits of family pension. In support of such contention, he has placed reliance upon a Government Order dated 13th April, 2020.

No one appears today on behalf of the school authorities and the State respondents and no explanation is forthcoming as to why no steps have been taken towards disbursement of the family pension in favour of the petitioner.

In view thereof, 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. 3. Accordingly, the respondent no. 3 is directed to consider the grievance of the petitioner, upon granting an opportunity of hearing to the petitioner and the school authorities and to take appropriate steps towards disbursement of the benefits of family pension, in accordance with law and in the light of the observations made in this order, within a period of four weeks from

the date of communication of this order along with a copy of the writ petition.

It is made clear that on the date fixed for hearing by the said respondent no. 3, the school authorities shall appear along with all relevant records so that the dispute can be resolved.

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 given to the learned advocates for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)