

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 588 of 2020

Smt. Prabhati Roy
-versus
The State of West Bengal & Ors.

Mr. Subhasish Misra
... For the petitioner

Mr. Debabrata Dhar, AGP
Ms. Paramita Sahu
... For the State

The petitioner's husband died on 15th June, 1970. The petitioner complains that the family pension of the petitioner's late husband has not been extended to the petitioner, being a dependent of the deceased employee.

The time lag between the death of the employee and the demands being made for family pension is enormous.

Learned Additional Government Pleader appearing for the State respondents submits that at the time of death of the petitioner's husband, there was no family pension scheme.

Be that as it may, I direct the Principal Secretary, Primary Education Department of Government of West Bengal to consider the petitioner's representation treating the writ petition as a representation and decide on the

issue whether family pension can be granted to the petitioner, being the widow of the deceased employee taking into consideration the aspect of delay also.

In the event, it is found that the petitioner is entitled to family pension, the said Principal Secretary should compute the amount of family pension payable and take steps for disbursement of the same including the arrears thereof from 15th June, 1970. The petitioner shall also be entitled to interest at the rate of 9 (nine) per cent per annum on the arrears from 15th June, 1970 till actual payment if it is found that the petitioner is entitled to family pension. The Principal Secretary shall also grant a person hearing to the petitioner. The hearing has to be conducted followed by a reasoned order within six weeks from the date of communication of a server copy of the instant order.

In the event, it is found that the petitioner is entitled to family pension, then within a period of 10 weeks from the passing of the order by the Principal Secretary, the arrears from 15th June, 1970 shall be disbursed to the petitioner and thereafter disbursement month by month. So far as interest on the delayed payment, if any, the petitioner will have the right to claim the same in a subsequent proceeding.

The writ petition is disposed of in terms of the aforesaid directions.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties as early as possible.

(Arindam Mukherjee, J.)