

16
03.03.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

W.P.A. 612 of 2020

Smt Ruma Roy
Vs.
State of West Bengal and Others.

Mr. Subhasish Misra.....for petitioner

Mr. Bikramidtya Ghosh
Mr. M. Rahaman..... for the State

The petitioner is one of the daughters of an Ex-accountant in the office of the Assistant Inspector of School, Dinhata Sub-Division, Cooch Behar under Education Department, Government of West Bengal, namely Hermba Kumar Roy. Hermba Kumar Roy died on 16-02-1988 leaving behind his widow, two daughters and one son. It is said that the widow of Hermba Kumar Roy died within a short span of time. The two daughters and the son were benefitted out of the family pension received on account of death of Hermba Kumar Roy. The petitioner was married and has a child. Later on, the petitioner was divorced and received a sum of Rupees Four lakhs and eighty thousands as permanent alimony from her husband.

The divorce of the petitioner took place on 16-01-2015.

After the divorce, the petitioner is claiming family pension as a divorced daughter of a government employee.

The petitioner says that the other two heirs, being her sisters and brother have given "No-objection" in favour of the petitioner to claim and receive such family pension.

The petitioner says that several representations have been made but the concerned department has maintained silence over the issue without extending the family pension to the petitioner.

After hearing the parties and considering the materials on record, I direct the respondent No. 5 being the District Inspector of Schools (SE) Cooch Behar to dispose of the representation made before him by the petitioner through his Advocate on 31st December, 2019 by giving the following findings;

- i) Whether the petitioner is entitled to the family pension of her father being a divorced daughter having received permanent alimony at the time of divorce and when such claim is made after lapse of about 29 years from the death of the employee.

- ii) If the petitioner is entitled to family pension, then what will be the amount of family pension that may be receivable by the petitioner.

The concerned District Inspectors of Schools (SE) Cooch Behar shall give a personal hearing to the petitioner and if required shall call for documents from the petitioner.

The entire exercise shall be completed by the concerned District Inspector of Schools (SE) Cooch Behar within a period of four weeks from the date of communication of server copy of this order.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

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

(Arindam Mukherjee, J.)