

8.2.2021
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W.P.A. 180 of 2021
Biswanath Halder & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Tarun Kanti Halder
... For the Petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha
...for the State.

Mr. Gourav Das
...for the D.P.S.C.(South 24-Parganas),
respondent no.5.

Affidavit of service filed in Court today is kept
with the record.

Mr. Halder, learned Counsel appearing for the
petitioners submits that the petitioner no. 1, is an
eighty one year old retired person getting pension but
after the expiry of his first wife on 19th July, 2016, he
married the petitioner no. 2 on 30th December, 2018
and prays for a direction upon the Director of Pension,
Provident Fund and Group Insurance, West Bengal for
eligibility status of the petitioner no. 2 for getting the
family pension in the event of the death of the
petitioner no. 1.

Mr. Bhaskar Prasad Vaisya, learned Counsel
appearing for the State submits that all these are
disputed questions of facts which has to be gone into
by the fact findings authority and on that point a
representation has been made by the petitioner on 4th

December, 2020(at page 37 of the writ petition) before the District Inspector of Schools (South) 24-Parganas.

Learned Counsel appearing for the Council relies on page 33 of the writ petition and submits that on the basis of the facts as narrated by the Assistant Director of Pension Fund and Group Insurance, West Bengal, no pension should be given to the petitioner no. 2.

Heard all the parties.

As facts, on the basis of records has to be gone into and a representation is made by the petitioner no. 1 before the District Inspector of Schools, (P.E.), South 24-Parganas, I request the District Inspector of Schools to consider the representation of the petitioner no. 1 dated 4th December, 2020 and allow the petitioner nos. 1 & 2 to produce all necessary documents at the time of hearing and to pass a reasoned order in accordance with law within a period of four months from date.

The District Inspector of Schools is also requested to communicate the decision to the petitioner at an earliest.

Learned advocate on record of the petitioner is requested to serve a copy of the writ petition along with a copy of this order to the District Inspector of Schools (P.E.), South 24-Parganas.

The writ petition is, thus, disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

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

(Rajarshi Bharadwaj, J.)