

04-02-2021
ct no. 13
Sl.37
pk

**WPA 312 of 2021
(Through Video Conference)**

**Smt. Mamata Banerjee
Versus
State of West Bengal and others**

**Mr. Ivan Roy,
Mr. Nirupam Dutta,
Ms. Sahina Sumi**

... for the petitioner.

**Mr. Partha Deb Roy,
Mr. Subrata Guha Biswas**

... for the State.

On account of death of one Nirmalendu Banerjee, who was Head Clerk cum Translator in the Office of the District Judge, Purulia, family pension came to be issued to one Mala Rani Banerjee, the wife of the deceased employee. Mala Rani Banerjee died on 20.02.2004.

The petitioner applied for family pension as unmarried daughter of the deceased Nirmalendu Banerjee in the year 2016. The petitioner also claims that she is physically disabled by reason of a certificate issued on 22.02.2017.

This Court notices that the request of the petitioner for family pension as unmarried

daughter has been made 12 years after the death of her mother. The claim of the petitioner may be hopelessly delayed and barred.

However, the District Judge, Purulia has forwarded the case of the petitioner to the Office of the Accountant General, West Bengal, who replied on 30.08.2019 that the petitioner's application ought to be dealt with under the Bihar Pension Rules.

Since the pension of the petitioner's mother was released by the Office of the Accountant General, West Bengal, Treasury Building, Kolkata, this Court is unable to countenance the stand taken by the Accountant General, West Bengal that the petitioner's case for pension must be dealt with or guided by the Bihar Pension Rules or that the Accountant General, West Bengal is not in a position to process the petitioner's pension.

For the reasons stated herein above, the Accountant General, West Bengal is hereby directed to consider the case of the petitioner and her entitlement to pension within the authority of his Office and pass a reasoned order within a period of three months from the date of communication of a copy of this order.

The order, that may be passed by the Accountant General, West Bengal, may be

communicated to the petitioner within seven days thereof.

With the aforesaid directions, the instant writ petition is disposed of.

Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)