

25.03.2021
jks
Sl. 99
Ct. 15

W.P.A. 493 of 2021

**Smt. Jhumur Debnath
Vs.
The State of West Bengal & Ors.**

Mr. Baidurya Ghosal,
Ms. Sangeeta Roy,
.....for the Petitioner

Mr. Gourav Das,
..for the State

The petitioner has filed the present writ petition for a direction upon the respondent authorities, particularly the District Inspector of Schools (PE), Coochbehar, the respondent no. 5 to forward all papers pertaining to the family pension of the petitioner who is a widowed daughter of the deceased Assistant Teacher of Knacheswar Primary School, Coochbehar.

Learned advocate for the petitioner submits that the petitioner's father who retired on 31.05.2006 and then died on 9.1.2018. Unfortunately, the petitioner's mother died on 16.08.2017 prior to the death of the father. Thereafter, the petitioner made a representation on 15.03.2019 before the District Inspector of Schools (P.E.), Coochbehar for granting family pension to the petitioner being a widowed daughter of deceased teacher. Learned Counsel further submits that till date no step has been taken by the District Inspector of Schools (P.E.), Coochbehar to forward the papers pertaining to the family pension of the petitioner to the Secretary, School Education Department. Hence, the present writ petition.

Learned advocate for the State submits that since the petitioner has already made a representation before the concerned District Inspector of Schools for sending all

papers to the Secretary to the School Education Department, therefore, the District Inspector of Schools (P.E.), Coochbehar the respondent no. 5 is under an obligation to forward all papers pertaining to the family pension for disbursement in favour of the petitioner who is a widowed daughter of the deceased teacher.

Considering the submissions as advanced by the learned advocate appearing for the parties and after perusing the records, I direct the District Inspector of Schools (PE), Coochbehar, the respondent no. 5 to forward all papers pertaining to the disbursement of the family pension in favour of the petitioner being the widowed daughter of deceased primary teacher to the Secretary, School Education Department within three weeks from the date of communication of this order. The Secretary, School Education Department after receiving those papers will take a decision in accordance with law for disbursement of the family pension in favour of the petitioner, being the widowed daughter of the deceased primary teacher, within eight weeks after giving an opportunity of hearing to the petitioner or her authorised representation and thereafter communicate the reasoned decision to the petitioner within one week.

Needless to mention, at the time of taking decision, the Secretary, School Education Department shall take into account the Memo No. 95 (80)-SE (B)/1M112/2008 dated 13th April, 2010 (appears at page 29 of the writ petition) and also consider the Hon'ble Division Bench decision passed in MAT 119 of 2014 (Kumari Reba Ghosh Vs. The State of West Bengal & Ors.) passed on 28th October, 2014.

After hearing if it is found by the Secretary, School Education Department that the petitioner is entitled to enjoy the family pension, being the widowed daughter of

deceased teacher, then the Secretary will forward all documents to the Director, Pension Provident Fund and Group Insurance, Government of West Bengal, Kolkata, the respondent no. 2 for taking appropriate step within two weeks.

With this direction, the writ petition is disposed of.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis.

(Rajarshi Bharadwaj, J.)