

09.03.2021
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W.P.A. 3360 of 2021

Purnima Roy
Vs.
State of West Bengal & Ors.

Mr. Avirup Mondal
Mr. Ramij Munsi
... for the Petitioner

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

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the Government authorities in granting the petitioner's family pension.

The facts of the case are that the petitioner's husband was an employee of the school concerned and he had been declared as medically unfit in order to continue his duties on the basis of the medical report dated March 18, 2016. Subsequent thereto the Pension Payment Order was issued in favour of the petitioner on May 24, 2017. However, no pension was started. Unfortunately, the husband of the petitioner died on September 24, 2020.

Mr. Vaisya, learned Counsel appearing on behalf of the State submits that the petitioner's husband was only employed for the period of 9 years 6 months 12 days and accordingly, did not qualify for pension under the Rules. He further submits that it is for the petitioner to make an application before the concerned District Inspector of Schools

(S.E.) for family pension as well as for condonation of the qualifying service period.

In light of the above submission, I direct the petitioner to make an application for family pension and for condonation of the service period before the concerned District Inspector of Schools (S.E.) within a period of two weeks from date. Upon such application is being made, the concerned District Inspector of Schools (S.E.), is directed to consider the application of the petitioner sympathetically and in terms of the Rules and thereafter pass a reasoned order upon the same.

Needless to mention, if the petitioner succeeds, all benefits in relation to all retiral benefits should be given to her expeditiously.

With the above directions, this writ petition is disposed of.

Since no affidavit-in-opposition is called for, allegations made in the writ petition are deemed not to have been admitted.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)