

13-07-2021
ct no. 13
Sl.47
sp

WPA 10461 of 2021

Swapna Dutta

-Versus-

The Union of India & Ors.

(Via Video Conference)

Mr. Bratin Kumar Dey,
Ms. Anjana Banerjee

...for the petitioner

Mr. Rajdeep Biswas

...for the respondent nos. 1 to 4

Counsel for the petitioner has applied for Central Samman Pension since after the death of her mother. Prior thereto, the pension was allowed to her father Amarendra Nath Basu who died on September 29, 1992. The petitioner's mother was receiving family pension.

Since after the death of the petitioner's mother, Amiya Basu on March 4, 2008, the petitioner has applied for continuation of the said family pension to her.

Counsel for the Union of India relied upon Clause 5.2.5 of the Revised Guidelines for Disbursement of Central Samman Pension Scheme being Memo No. 45/03/2014 – FF(P) to argue that a widowed/divorced daughter is not entitled to pension.

Counsel for the petitioner relies upon a judgment of this Court dated April 7, 2021

passed in WPA 13806 of 2019 (Sonali Hatu Giri vs. Union of India & Ors.) striking down as ultra vires the said Revised Guidelines particularly Clause 5.2.5 thereof.

Counsel for the Union submits that the Central Government is in the process of filing an appeal against the said order. Admittedly, there is no appeal pending against the judgment till date. The said order dated April 7, 2021 (supra) is subsisting without interference.

In that view of the matter, the prayer made by the petitioner is allowed.

The petitioner shall be granted Central Samman Pension that was being originally paid to the petitioner's father and passed on to her mother, within a period of one month from the date of communication of a copy of this order. All arrears of pension from the date of application shall also be made over to the petitioner within a period of two months from date. The petitioner's prayer for interest on arrears of pension shall also be considered by the Union and a suitable order may be passed to that effect.

It is made clear, however, that the present order shall be subject to any appeal or any order passed in any appeal that the Union may prefer against the judgment dated April 7, 2021 passed

in WPA 13806 of 2019 (Sonali Hatu Giri vs. Union of India & Ors.).

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

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)