

14 24.8.2021

Ct-16

WPST 61 of 2021

Biman Chandra Roy

Vs.

The State of West Bengal & Ors.

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Md. Jalaluddin

.... For the Petitioner

Mr. Suman Basu

.... For the Respondent no. 4

Mr. Tapan Kumar Mukherjee, Ld. Addl G.P

Mr. Pranab Halder

.... For the State

The writ petition is directed against an order passed by the West Bengal Administrative Tribunal on 10th March, 2021 in connection with an application filed by the petitioner for grant of family pension.

By an order dated 16th June 2020, the prayer for family pension of the petitioner was denied by the Deputy Commissioner of Police in view of the fact that the original applicant owned 8(eight) bighas of agricultural land which is sufficient to meet the need of the family. However, subsequently on 5th January, 2021 the petitioner made a representation before the O.C, Salar Police Station, District-Murshidabad and another representation before the Deputy Commissioner of Police, Reserve Force, Kolkata Police on 20th January, 2021 stating that the basis of denying the relief made by him is factually incorrect.

The petitioner has referred to certain facts and Government order in the said two representations dated 5th January, 2021 and 20th January, 2021, which, however, have not been considered by the Tribunal while disposing

of the original application.

There is no record to show that the issues raised by the petitioner were considered by the authorities concerned.

In view thereof, we set aside the order passed by the Tribunal and direct the Deputy Commissioner of Police, Reserve Force, Kolkata Police to revisit the order dated 16th June, 2020 after taking into consideration the representation dated 5th January, 2021 and 20th January, 2021 and the relevant rules, as may be applicable to the petitioner and dispose of the same after giving reasonable opportunity of hearing to the petitioner or his advocate within eight weeks from date by passing a reasoned order.

The reasoned order shall be communicated to the petitioner within one week thereafter.

WPST 61 of 2021 is thus disposed of without any order as to costs.

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

(Hiranmay Bhattacharyya,J.)

(Soumen Sen, J.)

