

**08.11.2021**  
**sayandeep**  
**Sl. No. 4**  
**Ct. No. 05**

**WPA 13741 of 2021**

**[Via Video Conference]**

Tutun Sahoo Khatua  
-Versus-  
State of West Bengal & Ors.

Mr. Subhrangsu Panda  
Ms Mithu Singha Mahapatra  
.... for the petitioner  
Mr. Jahar Lal De  
Mr. Abdus Salam  
.... for the State

Writ petitioner claims to be widowed daughter of a deceased teacher who was working in a Government aided recognized primary school. Writ petitioner's mother retired on superannuation on 28<sup>th</sup> February, 2005 and on completion of formalities, retiral dues were sanctioned in her favour. Subsequently, the mother of the writ petitioner died on 16<sup>th</sup> December, 2009. In view of death of the mother of the writ petitioner, she being one of the 4 daughters and also widowed daughter claims release of family pension in her favour in accordance with the relevant provisions relating to sanction of family pension in favour of widowed daughter.

Mr. Jahar Lal Dey, learned Senior Government Advocate, appears on behalf of the State respondents and submits that the application made by the writ petitioner on 4<sup>th</sup> February, 2021 is not exhaustive and

certain other documents and information are required for the considering the claim of the writ petitioner which needs to be submitted before the concerned District Inspector of Schools(PE), Purba Medinipur. It has further been submitted on behalf of the State respondents that if these particulars including the relevant documents are submitted by the Sub-Inspector of Schools of the concerned circle and information required is furnished by the appropriate authority including the writ petitioner, the claim of the writ petitioner for release of family pension can be considered in accordance with law.

Having considered the submissions made on behalf of the parties to this writ petition, this Court directs the District Inspector of Schools(PE), Purba Medinipur, respondent No. 4, to take decision on the claim of the writ petitioner to receive family pension being widowed daughter of a pensioner who died on 16<sup>th</sup> December, 2009. Such exercise is to be carried out by the respondent No. 4 within a period of 12 weeks from the date of communication of this order. The writ petitioner as well as the Sub-Inspector of Schools of the concerned circle are directed to apprise the respondent No. 4 required information for processing claim of the writ petitioner and if requisition is made from the office of the respondent No. 4 necessary documents are to be supplied by the concerned Sub-Inspector of Schools to

the respondent No. 4 before processing such claim of the writ petitioner. Before taking final decision on the entitlement of the writ petitioner to receive family pension being widowed daughter opportunity of hearing shall be given to the writ petitioner. If the respondent No. 4 finds it necessary, it is open to the said authority to call other interested parties. The decision to be taken by the respondent No. 4 to be communicated to the writ petitioner within two weeks thereafter.

With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

**(Saugata Bhattacharyya, J.)**