

08.10.2021
Court No.5
Item No.45
AP

WPA 15430 of 2021

**Smt. Lilarani Pradhan
Vs.
The State of West Bengal and Ors.**

(Through Video Conference)

Mr. Sakti Pada Jana

... For the Petitioner.

Ms. Chaitali Bhattacharya

... For the State.

The writ petitioner is a widowed daughter of a teacher who retired on superannuation on 28th February, 2009. After superannuation the father of the writ petitioner was in receipt of pension. Ultimately, the father died on 16th February, 2019. The writ petitioner is the daughter of the deceased teacher claiming benefit of pension being widowed daughter. She approached the authority of the school wherefrom her father retired. The school authority being approached by the writ petitioner vide letter dated 15th October, 2020 forwarded the pension case of the writ petitioner to the Office of the District Inspector of Schools (SE), South 24-Parganas, respondent No.4. The grievance of the writ petitioner is that in spite of forwarding the necessary documents to the Office of the respondent No.4 no decision has yet been taken by the said respondent on the claim of the writ petitioner.

Ms. Chaitali Bhattacharya, learned Senior Government Advocate appears on behalf of the State

respondents and submits that there is circular dated 13th April, 2010 which is governing in the field with regard to determination of entitlement of an unmarried daughters / widowed daughters of retired teacher to receive pension in view of the death of retired teacher.

It is further submitted on behalf of the State respondents that since the papers have been forwarded by the school authority, the same can be considered in accordance with the relevant government circular dated 13th April, 2010.

Having considered the submissions made on behalf of the respective parties to this writ petition this Court directs the respondent No.4 to take decision on entitlement of the writ petitioner to receive pension due to her father's death upon placing reliance on the documents which were forwarded by the School Authority vide letter dated 15th October, 2020, Page 21 of the writ petition, within eight weeks from the date of communication of this order. The decision to be taken by the respondent No.4 shall be communicated to the writ petitioner within two weeks thereafter. Before taking such decision the respondent No.4 is directed to give an opportunity of hearing to the writ petitioner.

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

There shall be no order as to costs.

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

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.)