

AD. 1.
April 9, 2021.
MNS.

W. P. A. 13806 of 2019
(**Via video conference**)

Sonali Hatua Giri
Vs.
Union of India and others

Mr. Sankar Nath Mukherjee,
Mr. Priyabrata Saha,
Mr. Aditya Biswas

... for the petitioner.

Mr. Rudraman Bhattacharya,
Mr. Anuran Samanta

...for the respondent-authorities.

By an order dated April 7, 2021, Clause 5.2.5 of the Guidelines for Disbursement of Central Samman Pensions to be followed by Authorized Public Sector Banks, issued by the Ministry of Home Affairs, FFR Division, was held to be *ultra vires* and Clause 5.2.3 thereof was interpreted to include widowed / divorced daughters as eligible for such pension provided they satisfied the other test of having no independent source of income.

In view of such observations, the writ petition remains a mere formality and need not be kept pending further.

Accordingly, W. P. A. 13806 of 2019 is disposed of by directing the respondent-authorities to consider the representations of the petitioner regarding grant of pension to her as per Clause 5.2.3 of the Guidelines for Disbursement of Central Samman Pensions to be followed by Authorized Public Sector Banks, as interpreted in the order dated April 7, 2021.

The respondent-authorities shall, upon satisfaction that the petitioner fulfils the other condition of having no independent source of income, decide on the petitioner's request for grant of such pension in her favour in the light of the observations made in the order dated April 7, 2021 in this writ petition, as expeditiously as possible, positively within thirty days from date.

At this juncture, learned counsel appearing for the respondent-authorities seeks a stay of operation of this order. However, since sufficient time has been given to the respondent-authorities to take a decision on the issue, consonant with the limitation period for preferring an appeal against this order, such stay is deemed unnecessary and thus refused.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)