

06.01.2021

Item No.15
Court No.25
Avijit Mitra

W.P.A. No. 11249 of 2020 (Via Video Conference)

**In re: Kanaklata Mahapatra
- Versus -
State of West Bengal & Ors.**

Mr. Bibekananda Tripathy
For the Petitioner
Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal
For the State respondents

Affidavit of service filed by the petitioner be kept on record.

The present writ petition has been preferred challenging *inter alia* the inaction on the part of the respondents to disburse the benefits of family pension in favour of the petitioner.

Mr. Tripathy, learned advocate appearing for the petitioner submits that the petitioner's son, namely, Himangshu Sekhar Mahapatra (in short, Himangshu) was an assistant teacher in Kajlagarh M.S.B.C.M. High School (in short, the said school). He married Gita Mahapatra (in short Gita). Their sons and daughters have all attained majority. Himangshu died-in-harness on 21st November, 1995. After his death, family pension was sanctioned in favour of Gita, who enjoyed the same till her death on 29th February, 2020. Thereafter the petitioner being the dependant mother of Himangshu applied for family pension by submitting a representation dated 29th June, 2020. In reply thereto, the respondent

no.4 by a memo dated 22nd September, 2020 informed the petitioner to approach the pension sanctioning authority being the respondent no.5. Thereafter, the petitioner repeatedly approached the said respondent no.5 but in vain. Aggrieved thereby the petitioner has approached this Court.

Mr. Tripathy submits that from clause 5(s)(2)(v) in Chapter II of the Pension Scheme, it would be evident that the dependent parents of deceased teacher are entitled to family pension.

Mr. Chattopadhyay, learned advocate appears on behalf of the State respondents and submits that the issue may be relegated for consideration to the pension sanctioning authority being the respondent no.5.

No material has been placed before this Court to show that after the death of Gita, the authorities are not under any obligation to sanction family pension in favour of the petitioner, who was dependent upon her son and daughter-in-law. As the petitioner is 95 years of age, the issue needs to be resolved expeditiously.

In view thereof, this Court directs the respondent no.5 to take appropriate steps towards disbursement of benefits of family pension in favour of the petitioner, upon granting an opportunity of hearing to the petitioner or her authorised representative and the school authorities and to transmit all pension papers to the respondent no.3, within a period of four weeks from the date of communication of this order along with a copy of the writ petition.

The respondent nos. 3 and 4 shall take all follow up steps so that the benefits of family pension are disbursed forthwith.

The respondent no.5 is also directed to supervise the process of release of the said benefits by suitably advising the school as well as the petitioner.

It is made clear that on the date scheduled for hearing the school authorities shall appear before the respondent no.3 and produce all relevant records so that the dispute can be resolved.

With the above directions and observations the writ petition is disposed of.

There shall however be no order as to costs.

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

(Tapabrata Chakraborty, J.)