

24.11.2022
Sl. No.25(DL)
srm

W.P.A. No. 245 of 2022

Ranjit Mitra

Versus

The State of West Bengal & Ors.

Mr. Ranjit Mitra ...Petition in-person.

Ms. Chaitali Bhattachaeyya,
Mrs. Shukla Das Chandra
...for the State-respondents.

The issue is with regard to grant of old age pension to the petitioner. The Court requested Ms. Bhattacharya to take special initiative to ensure that the petitioner may be given the benefit as per his entitlement.

Today, a report has been filed by the Block Development Officer, Krishnagar Development Block, Nadia through his learned Advocate.

It appears from the report that the District Magistrate, who is the sanctioning authority, has not sanctioned further funds for disbursement to elderly citizens under the old age pension scheme. It is submitted that 2500 cases are pending, apart from the case of the petitioner. It is further revealed that the petitioner has made certain incorrect entries in the form and the application.

At this juncture, it would not be possible to issue a mandate upon the Block Development Officer to grant the old age pension in respect of the petitioner.

It is submitted that the District Magistrate, Nadia has not yet extended the 'quota' for payment of old age pension and the prescribed limit for grant of such pension in the concerned block, has been exhausted. None of the pending applications have been processed.

It appears to the Court that when there is a policy for grant of old age pension, the same should be applied universally.

However, in the absence of further details it would not be proper for the Court to express any view with regard to the apparent discrimination which surfaces.

It also appears that the form mentions family income of an applicant as a criteria for grant of old age pension.

Under the scheme, the expression 'family' has not been defined. Rather, the son has been defined as a 'relation' in the scheme.

Thus, this Court is also of the view that the income of a relation (son), who was a daily rated worker should not be taken as a yardstick for determination of the petitioner's family income.

The Block Development Officer is not in a position to release the fund. The pending 2500 applications which were filed prior to the petitioner's application have still not been processed.

The Court is satisfied that without understanding the actual meaning of the queries, the petitioner had wrongly inserted the income of the son. Whereas, the son was a daily rated worker who is now unemployed. He also does not come within the definition of 'family'.

Under such circumstances, the petitioner shall file a fresh application before the Block Development Officer, Krishnagar Development Block, Nadia with proper particulars. The date of the application which shall be filed pursuant to the order of this Court, will relate back to the date of his original application, that is November 20, 2021. As a special case, the Block Development Officer shall forward the application form of the petitioner along with all documents to the District Magistrate, Nadia, for a sympathetic consideration. As the policy of the Government is to protect old citizens, the same must be implemented equally amongst all eligible applicants. There cannot be any fixed quota, if the eligibility criteria are satisfied.

The District Magistrate shall pass necessary orders and take steps in accordance with law and in the light of the

observations made hereinabove. A reasoned order shall be passed and communicated to the petitioner. Steps shall be taken positively within a period of eight weeks from the date of receipt of the documents from the Block Development Officer.

The Block Development Officer shall cooperate and handover the form to the petitioner.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)