

09.11.2022
Court No. 19
Item no.02
CP

WPA No. 1310 of 2022

Smt. Prabhati Aich
Vs.
The State of West Bengal & Ors.

Mr. Dilip Kumar Shyamal
Mr. Gourab Ghosh
... for the petitioner.

Md. Mansoor Alam
...for the State.

The petitioner claims to be the widowed daughter of one Haripada Dutta who was a panchayat karmee of Mousuni Gram Panchayat. After the death of the said Haripada Dutta, his widow was granted family pension.

The petitioner submits that upon death of her mother Smt. Droupadi Dutta, widow of late Haripada Dutta, the petitioner being the widowed daughter has the right to be granted the family pension. The petitioner has annexed documents to show that her husband predeceased her mother, i.e. she was a widow before the death of late Droupadi Dutta.

The petitioner is granted liberty to approach the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal by filing an appropriate application. If such application is filed, the same shall be disposed of in accordance with law.

A reasoned order shall be passed and communicated to the petitioner. The said reasoned order shall specifically mention whether the family pension rules applicable in case of the deceased Haripada Dutta includes a widowed daughter within the definition of 'family'. Whether a widowed daughter would be eligible for grant of family pension must be decided by the authority as per the existing rules.

This court has not gone into the merits of the case and the entire issue shall be decided by the authority independently.

The reasoned order shall be communicated to the petitioner within a period of eight weeks from the date of receipt of the petitioner's representation.

Accordingly, the writ petition is disposed of.

There will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)