

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 1372 of 2022

Mousumi Sanyal
Vs.
The Oriental Insurance Company Limited & Ors.

Ms. Reshmi Ghosh
Mr. Kaushik Banerjee
Ms. Rashmita Sen
... For the petitioner

Mr. Ranjay De
Mr. Basabjit Banerjee
... For the respondents no.1, 2 & 3

Affidavits of service filed in Court today are taken on record.

The petitioner says that her father Sabyasachi Sanyal was a permanent employee of Oriental Insurance Company Limited (hereinafter referred to as "Oriental Insurance") and retired from service on superannuation with effect from 31st December, 1986. The said Sabyasachi Sanyal had opted for pension and family pension as will appear from a document dated 18th December, 1995 appearing at page 14 of the writ petition. After the death of Sabyasachi Sanyal, his widow Manju Sanyal received the family pension. Manju Sanyal has died on 8th June, 2013. The petitioner says that she is the unmarried daughter of Sabyasachi Sanyal and is, therefor, entitled to pension as per the General Insurance (Employees') Pension Scheme, 1995 applicable in respect of the Oriental Insurance.

It appears from clause 39 of the said Scheme (appearing at pages 28 to 36 of the writ petition) that an unmarried daughter of the deceased employee is entitled to family pension until she attains the age of twenty five years or until she gets married, whichever is earlier.

The date of birth of the petitioner Mousumi Sanyal as per Aadhaar Card annexed at page 39 of the writ petition is 23rd March, 1969. In the affidavit appended to the writ petition, the writ petitioner says that she is about 53 years of age at the time of filing of the writ petition on 25th January, 2022. So much prior to 8th June, 2013 when the petitioner's mother died, the petitioner had attained the age of 25.

In the aforesaid facts and circumstances, the petitioner is not entitled to family pension in terms of clause 39(c) of the 1995 Scheme of the Oriental Insurance.

The writ petition is, therefor, disposed of holding that the petitioner having attained the age of 25 years prior to 8th June, 2013 is not entitled to claim family pension from the employer.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)