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WPA 1252 OF 2013

Sipra Kar

-vs.-

State of West Bengal & Ors.

Mr. Debasish Chattopadhyay

Mr. Lokhnath Paul

Mr. Tirthankar Basu.

....For the Petitioner

Mr. Raha Saha

Mr. Shamim ul Bari.

....For the State

The petitioner has challenged the order dated October 8, 2012 by virtue of which the Special Secretary, Micro and Small Scale Enterprises & Textiles Department, Government of West Bengal rejected the prayer of the petitioner for family pension.

The petitioner claims to be the unmarried daughter of a deceased pensioner of the West Bengal Khadi & Village Industries Board (hereinafter referred to as the 'Board'). She applied before the Board for extending the benefit of the memorandum dated March 3, 2008, issued by the Finance Department, Government of West Bengal extending the family pension to the unmarried daughters of the State Government employees/pensioners. The Board subsequently forwarded the proposal to the concerned department which ultimately forwarded the same to the finance department. The finance department ultimately rejected the said proposal and communicated the same to the Board. Consequently, the Board rejected

the prayer of the petitioner which compelled the petitioner to approach this court.

Learned advocate for the petitioner submits that the petitioner being an unmarried daughter is entitled to family pension in terms of the memorandum dated March 3, 2008. He submits that the order passed by the Special Secretary is liable to be set aside as the same did not take into consideration the effect of the aforesaid memorandum.

Learned advocate appearing for the State submits that the benefit of the said memorandum is applicable only for the State Government employees/pensioners. He submits that since the father of the petitioner was not a State Government employee, the petitioner is not entitled to the benefits of the said memorandum.

I have heard learned advocates for the parties and considered the materials placed before this Court. It appears from the order dated October 8, 2012 that the respondent no. 2 after considering the WBK&VIB Employees' (Death-cum- Retirement Benefit) Regulation, 1982 held that there is no provision for entitlement of family pension to an adult unmarried daughter of an employee of the Board. The proposal sent to the finance department for extending the benefits of the memorandum dated March 3, 2008, was also not accepted by the finance department. Adequate reasons have been assigned in the order dated October 8, 2012

for rejecting the prayer of the petitioner. The said order does not suffer from any infirmity.

Accordingly WPA 1252 of 2013 is dismissed without, however, any order as to costs.

Photostat certified copy of this order, if applied for, be furnished to the parties on usual undertaking.

(Hiranmay Bhattacharyya, J.)