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08.07.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 3325 of 2020

**Dilip Tosh & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Kajal Ray,
Mr. Aditya Sen.
...For the Petitioners.**

**Mr. Ziaul Islam,
Mr. Khaliqur Rahman,
...For the State.**

**Ms. Rupsa Sremani.
...For the Municipality.**

The husband of the deceased petitioner, namely, Pankajini Tosh and the father of the substituted petitioners herein was an employee of the Hooghly Chinsurah Municipality. After the retirement of the employee, he was paid the pension. After death of the employee his widow i.e. Pankajini Tosh was paid family pension.

As per the Government Order No. G.O.230/ MA/ O/C-9/2P-6/2009 dated 9th June, 2009, the Government increased the amount of pension of the pensioner who completed 85 years of age. The widow completed 85 years of age on 31st December, 2015.

The pensioner applied before the Municipality for receiving the enhanced amount of pension on 23rd March, 2011.

The Municipality forwarded the pension file of the widow to the Director, Directorate of Pension, Provident Fund and Group Insurance vide a communicating memo dated 20th December, 2018.

The widow filed the present writ petition with the allegation that the enhanced pension was not paid in her favour till date.

During the pendency of the writ petition, the petitioner i.e. Pankajini Tosh expired. An application for substitution was filed and the same was allowed.

Presently, the grievance of the substituted petitioners is that the dues which were to be disbursed in favour of their mother have not been paid till date.

Learned advocate appearing for the State respondents is not ready with instruction in the matter.

In view of the above, the instant writ petition is disposed of by directing the respondent No.2 being the Director of Pension, Provident Fund and Group Insurance to take steps to process the grant of enhanced family pension in favour of the widow of the employee as forwarded by the Hooghly Chinsurah Municipality on 20th December, 2018.

Necessary steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

In the event the aforesaid respondent is of the opinion that the enhanced amount is payable in favour of the widow of the deceased employee, then steps shall be taken for releasing the said amount in favour of the heirs of the deceased widow in accordance with law immediately thereafter.

The petitioners are directed to forward a copy of the communicating memo dated 20th December, 2018 made by the Chairman of Hooghly Chinsurah Municipality to the Director, Directorate of Pension, Provident Fund and Group Insurance at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)