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WPA 4859 of 2015

Aaibhi Lata Manna
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Karan
Ms. Sabita Khutia (Bhunya)
Mr. Debapriyo Karan

...for the petitioner

Mr. Tapan Kumar Mukherjee, Ld.AGP
Ms. Manika Pandit
...for the State

In this writ petition petitioner claims terminal benefits including family pension due to death of unmarried son of the petitioner who was an approved clerk in a non-Government aided recognized high school. Son of the petitioner died-in-harness on 16th September, 2012 and grievance of the petitioner is in spite of making request to the concerned respondent authorities till date, family pension and other terminal benefits in view of death of the son of the petitioner have not been released in her favour.

This matter was heard previously and considering the submission made on behalf of the petitioner, this Court directed Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader to submit a report of the concerned District Inspector of Schools (SE), Howrah as to why the family pension and other terminal benefits which are payable to the petitioner due to untimely death of her unmarried son, are not being released.

Pursuant to such order dated 28th April, 2022 passed by this Court the concerned District Inspector of Schools (SE), Howrah has forwarded a letter addressed to the learned advocate representing the State-respondents dated 12th May, 2022 which has been placed before this Court.

On perusal of such letter dated 12th May, 2022, it appears that the petitioner is already in receipt of family pension due to death of her husband, late Shibnath Manna, who died on 3rd October, 1981. The husband of the petitioner was an assistant teacher of a high school. It has also been indicated in the said letter that in terms of Death cum Retirement Benefits Scheme, 1981 as promulgated vide memo no. 136 Edn (B), dated 15th May, 1985, dependent parents are not entitled to receive family pension.

In addition thereto, one Government Order dated 18th July, 2007 has also been referred to wherein it has been provided that double benefits towards family pension one due to death of petitioner's husband and another due to death of petitioner's son, cannot be allowed provided the quantum of monthly family pension exceeds mentioned ceiling. It has also been stated in the said letter that in terms of government memorandum dated 8th September, 2021, such income ceiling for receiving another family pension has been fixed at Rs.9000/- per month. The letter of the concerned District Inspector of Schools dated 12th May, 2022 is taken on record.

In view of contents of the said letter dated 12th May, 2022, question arises whether the petitioner is receiving family pension due to death of her husband at present more than Rs. 9000/- per month or not. This Court has posed a query to Mr. Debabrata Karan, learned advocate representing the petitioner on quantum of family pension the petitioner is presently receiving due to death of her husband. It has been submitted that the petitioner is receiving more than Rs. 9000/- per month towards family pension.

In view of aforesaid position and taking note of the contents of the letter dated 12th May, 2022 issued by the concerned District Inspector of Schools (SE), Howrah, this Court does not find any flaw in the matter of not releasing family pension in favour of the petitioner due to death of unmarried son of the petitioner. However, in view of death of the son of the petitioner, death gratuity is payable and the school where petitioner's son was working being the respondent nos. 6 & 7 are directed to forward papers of death cum gratuity to the office of the District Inspector of Schools (SE), Howrah within fortnight from this date. In receipt of such papers, the concerned District Inspector of Schools (SE), Howrah being the respondent no. 3 is directed to process those papers and take necessary steps and to complete the formalities for release of death gratuity in view of death of the son of the petitioner.

It is made clear that such benefit under death gratuity shall be released in favour of the beneficiaries within a period of 8 (eight) weeks thereafter.

It has also been submitted on behalf of the petitioner that provident fund has not been released in favour of the beneficiaries in view of death of the son of the petitioner and accordingly, the concerned respondent authorities are directed to take immediate steps for release of provident fund along with interest upon completing the formalities within a period of 4 (four) weeks from date.

With the aforesaid direction the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)