

66 06.12.2022
Sc Ct. no.22

WPA 9976 OF 2022

Rina Nandi

Vs.

The State of West Bengal & Ors.

Mr. K. M. Hossain

....For the Petitioner

Mr. Biswabrata Basu Mallick

Mr. Sanjib Das.

.....For the State

Affidavit-of-service, filed in Court, is taken on record.

The petitioner claims to be the widow of one Samar Kumar Nandi, since deceased. ***The deceased was a Group-D staff at Hatuganj M. N. K. High School, District- South 24-Parganas.*** The husband of the petitioner died on October 12, 2021, as would be evident from page 69 to the writ petition. The petitioner applied before the respondent no. 5, the relevant school authority, for receiving family pension on account of her deceased husband. The school authority forwarded the papers, ***Annexure-P2*** to the writ petition, before the respondent no.3 through electronic mode of application. The respondent no.3 has not paid any heed thereto.

Mr. K. M. Hossain, learned counsel appearing for the writ petitioner submits that the writ petitioner is surviving in a precarious condition as this family pension is the sole source for her survival not being released.

Mr. Biswabrata Basu Mallick, learned counsel appears for the respondent nos. 1, 2 and 3.

The school is not represented.

Considering the submissions made on behalf of the writ petitioner and the case made out in the writ petition, to subserve justice, the respondent no.3 is directed to take a decision on the issue to release family pension along with whatever arrears accrued thereupon to the petitioner on account of her deceased husband named above strictly in accordance with and the procedure laid down for the same.

The respondent no.3 shall give a prior hearing notice of at least seven days to the petitioner and the respondent no.5 and after giving them an opportunity of hearing shall take a decision with a reasoned order to release the family pension in favour of the petitioner along with arrears accrued thereupon on account of her deceased husband strictly in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of six weeks from the date of communication of this order. The respondent no.3 then shall communicate its reasoned decision/order to the

petitioner and the respondent no.5 within a further period of two weeks from the date of the said reasoned decision/order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner in any manner.

The petitioner shall be entitled to urge whatever points she wishes to urge and shall rely upon whatever records and documents she wishes to rely upon before the respondent no.3.

The respondent no.5 and/or the school authority shall cooperate with the respondent no.3 in all possible manner and if necessary, shall produce all the relevant records and documents before the respondent no.3.

After arriving at the reasoned decision, all consequential steps and further steps necessary for disbursement of the family pension to the petitioner along with arrears accrued thereupon shall be taken and the same shall be disbursed to the petitioner positively within a period of four weeks after the reasoned order being communicated to the respondent no.6 by the petitioner.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms this writ petition, **WPA 9976 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Aniruddha Roy, J.)