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02.09.2022
d.p.

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

W.P.A 12910 of 2021

**Gita Chatterjee
-versus
The State of West Bengal & Ors.**

**Mr. Bhagabat Chowdhury,
Mr. Subrata Mukherjee.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Sobhan Majumder.
Mr. Ankit Sureka.
...For HMC.**

**Ms. Sima Adhikari,
Mr. Raja Ram Banerjee.
...For the State.**

The petitioner claims to be the unmarried daughter of a deceased employee of the Howrah Municipal Corporation. She seeks family pension.

The widow of the employee received family pension till her death. After the death of the widow, the petitioner made application for sanction of family pension.

A representation was made before the Controller of Finance, Howrah Municipal Corporation on 13th January, 2021.

The petitioner alleges that the same has not been taken up for consideration till date.

Learned advocate appearing for the Howrah Municipal Corporation submits that the service rules of

the employee does not provide for grant of family pension to an unmarried daughter.

It has been submitted that the family pension may be allowed only in case of handicapped child.

Be that at it may, as it appears that the representation praying for family pension is pending consideration at the end of the respondent No. 5, accordingly, the present writ petition is disposed of by directing the respondent no. 5 i.e. the Controller of Finance Department, Howrah Municipal Corporation to take into consideration the prayer of the petitioner for grant of family pension, strictly in accordance with law, at the earliest but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner, immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the representation submitted before the aforesaid respondent on 13th January, 2022 along with all documents in support of her claim to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)