

17.03.2022
sayandeep
Sl. No. 04
Ct. No. 05

WPA 20749 of 2021

Gita Rani Mukherjee
-Versus-
The State of West Bengal & Ors.

Mr. Tarapada Das
Mr. Mahadeb Khan

..... for the petitioner

Mr. Supriyo Chattopadhyay
Ms. Tapati Samanta

..... for the State

The writ petition has been filed by a petitioner whose deceased husband worked as a Librarian in the concerned College. The prayer of the petitioner is for a direction on the respondent authorities particularly the Secretary, Department of Mass Education, Government of West Bengal to frame a scheme for extending the benefit of family pension to a family member of a deceased Librarian. The prayer is in pursuance of an order passed by a learned Single Judge on 20th January, 2014 wherein the Court directed the concerned Department to frame a scheme within a period of six months for persons engaged in Library Services and give the benefit of pension after taking such decision to the family members of the deceased. The direction of the Court was followed by a reasoned order dated 29th April, 2014 by the Director of Library Services which observed, *inter alia*, that the Department of Mass Education Extension and Library Services,

West Bengal should also take the concurrence of the Finance Department as the matter involves financial implications.

Learned counsel appearing for the State respondents hands up a Notification dated 18th November, 2019 of the Joint Secretary, Department of Mass Education Extension and Library Services, which refers to the impugned order dated 29th April, 2014 passed by the Director of Library Services and informs that the Finance Department has regretted its inability to extend the benefit of pension/family pension in respect of employees of sponsored Library/aided Library etc. under the West Bengal Recognised Non-Government Educational Institution Employees (DCRB) Scheme, 1981 who retired or died-in-harness prior to 1st April, 1981. The Notification handed-up on behalf of the State is kept on record. In the present case, the petitioner's husband died in March, 1981 and petitioner applied for pension in 2004. The petitioner has also not challenged the Notification dated 18th November, 2019 by which the petitioner's prayer had been rejected. The petitioner has also not take any steps for enforcing the order passed by the learned Single Judge on 20th January, 2014 in WP No. 534 (w) of 2014.

In view of the aforesaid facts, this Court cannot pass any mandamus on the respondent authorities to

frame a scheme for the benefit of the petitioner or others in the same situation.

WPA 20749 of 2021 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)