

Court No. 22
31.10.2022
(Item No. 12)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 20612 of 2022

Mayna Rani Dutta
VS
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Syed Mansur Ali
Ms. Tanuja Basak
..... for the petitioner
Mr. Pinaki Dhole
Mr. Avishek Prasad
.....For the State

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

The writ petitioner named Mayna Rani Dutta claims the family pension on account of her deceased husband namely Gobinda Chandra Dutta. The deceased was a Lecturer of one **Khalisani Mahavidyalaya, Chandannagar**. Representation was duly made in this regard by the petitioner before the College authority and also before the respondent No. 2.

Today the College authority namely respondent Nos. 3, 4 and 5 are not represented.

It is submitted that, the said representation dated February 7, 2022, **Annexure P-5** to the writ petition has not yet been disposed of.

It is submitted that, in the record of the College authority the name of the petitioner was shown as **Fullara Dutta** which is the nick name of the petitioner.

Be that as it may, upon proper verification and identification of the petitioner and upon being duly satisfied thereon the respondent No. 2 in presence of the respondent No. 4 shall take a decision on the issue with a reasoned order.

In the event, it is found that, the petitioner is the eligible candidate to receive the said family pension on account of her deceased husband then the relevant College authority and the respondent No. 2 shall carry out and complete all the administrative work for preparation of papers and records and send its recommendation to the respondent No. 5 for release and payment of the said family pension including the arrears receivable by the petitioner on such terms and conditions as the respondent No. 2 shall think fit and proper.

The respondent No. 2 shall decide the issue in presence of the petitioner and the relevant College authority and upon giving her a hearing and then shall pass its reasoned order. The reasoned order shall be passed within a period of six weeks from the date of communication of this order and the subsequent steps for release of the said family pension as directed above, if it is found that, the petitioner is legally eligible shall be taken within a further period of four weeks from the date of the said reasoned order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner.

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

On the above terms, this writ petition being **WPA 20612 of 2022** stands disposed of.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)