

26.09.2022
Ct. no.21
Sl. No.8
Sanjay

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20677 of 2022

Subhash Dhar
Vs.
The State of West Bengal & Ors.

Mr. Sunny Nandy,
Mr. Sandipan Pal,
Mr. Tamal Singha Royfor the petitioner.

Mr. Malay Singh,
Ms. Neelam Singh ...for the State.

The writ petitioner is a 70% mentally challenged person as per the report of Medical Superintendent and Chairman of Baruipur Sub Divisional Hospital. The writ petitioner has claimed family pension and arrears for the same since he was entitled to family pension upon the death of his father on January 4, 2010. The petitioner's father was an Ex-upper Division Assistant in the Health Department, Government of West Bengal and was superannuated with effect from August 31, 1983 and received his pension since then.

Mr. Nandy, learned counsel appearing on behalf of the petitioner submits that despite submitting all the relevant documents and being entitled to family pension in accordance with rule 104A of WBS (DCRB) Rules, 1971, he was not given family pension till date.

Mr. Singh, learned counsel appearing for the respondents submits that the claim of the writ petitioner for family pension is already being processed. It is not in dispute that the petitioner is

70% mentally challenged person and entitled to family pension being handicapped child who was fully dependant of a pensioner.

Reference has been made to memo dated September 3, 2022 issued by the Director, School of Tropical Medicine, Kolkata for supporting the contention that pension papers of the writ petitioner is already being processed.

Since Mr. Singh, the learned counsel for the respondents submits that pension papers are being already processed and entitlement of the petitioner is not in dispute, the process is directed to be completed within four weeks from date. The writ petitioner will be entitled to monthly payment from November 2022. First of such payment will be made by November 28, 2022, thereafter, within the 15th day of each successive month. Arrears of payment in respect of family pension that the petitioner is entitled to will be paid from December 7, 2011 (being the date of making the application). Interest at the rate of 6% per annum is to be paid to the petitioner from December 7, 2011 (being his date of entitlement) till the actual date on which it is disbursed. Arrears along with interest are to be disbursed within six months from date.

With the aforesaid directions, the writ petition being **WPA 20677 of 2022** is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)