

17.11.2022
Item No. 78
Ct. No. 238
AKG

WPA 22432 of 2016

Suchitra Nandi
Versus
State of West Bengal & Ors.

Mr. Aritra Shankar Ray,
Mr. Dilip Sadhu,
Mr. Prasanta Behari Mahata

...for the Petitioner

Mr. Amal Kr. Sen,
Mr. Lal Mohan Basu

...for the State

Ms. Lina Majumdar

...for B.C.K.V.

The husband of the petitioner Sri Chakradhar Nandi since deceased was appointed in “Comprehensive scheme on cost of cultivation, principal agricultural corps” running under Bidhan Chandra Krishi Viswavidyalaya.

The husband of the petitioner along with other similarly engaged persons under the said scheme was allowed to draw a regular pay scale, as fixed by the said University.

It appears that the husband of the petitioner was a member of the Contributory Provident Fund Scheme. During his service tenure, he applied for conversion of the said scheme to General Provident Fund Scheme. Such conversion was, however, not allowed. The husband of the petitioner died in harness in the year, 2007.

This writ petition has been filed by the petitioner claiming family pension in her favour on account of the service rendered by her husband.

It has been submitted by the University as well as by the State that the petitioner was appointed under the scheme but he was never absorbed as a regular employee of the University. It has also been submitted fairly, that in the year 2013, some of the employees under the said scheme was absorbed by the said University and subsequently, the same was approved by the State. The petitioner, who died in the year, 2007 admittedly, was not absorbed.

It is also admitted fact that the retiral dues like Contributory Provident Fund, Leave Salary and Gratuity had already been released in favour of the petitioner.

I am unable to grant family pension to the petitioner since the husband of the petitioner was not entitled to get any pension being a member of the Contributory Provident Fund Scheme. The petitioner has also accepted the dues on account of Contributory Provident Fund Scheme. After the death of her husband, by filing this writ application in 2016, the petitioner cannot claim for family pension since her husband was also not entitled to get any pension being a member of the Contributory Provident Fund Scheme.

Accordingly, WPA 22432 of 2016 is dismissed.

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

(Kausik Chanda, J.)