

Court No. 22
23.11.2022
(Item No. 17)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 24382 of 2022

Sudip Kanti Naskar
VS
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Diptendu Mondal
Mr. Nikhil Gupta
..... for the petitioner
Mr. Ranjan Saha
... for the State

Two affidavits of service filed in Court today,
are taken on record.

None appears for the respondents, nor any
accommodation has been sought for.

Mr. Ranjan Saha, learned advocate is present in
Court, who normally appears in this type of matters.
Mr. Saha, learned advocate is requested to appear in
this matter and hold the brief. His appearance is
directed to be regularized by the office of the learned
Government Pleader forthwith.

The petitioner claims to be a handicapped son
of the deceased employee late Niranjana Naskar, who
was an Assistant Teacher at respondent No. 7 School.
The petitioner claims family pension on account of his
deceased father. The petitioner claims that all the
legal heirs of the deceased father had given their
respective "No Objections" in favour of the petitioner
to draw the said family pension. Drawing attention to
page 28 to the writ petition, the learned advocate for

the petitioner submits that, the respondent No. 6 already sent its recommendation before the respondent No. 3 for taking necessary steps in the matter. The said recommendation was made on December 20, 2016. The petitioner claims that since then it had not received any attention of the respondent No. 3.

Considering the submissions made on behalf of the writ petitioner and the materials on record, the respondent No. 3 is directed to take a reasoned decision on the basis of the said recommendation of the respondent No. 6 available at **page 28** of the writ petition along with all other necessary records and documents pertaining thereto. The respondent No. 3 shall give at least seven days prior hearing notice to the petitioner and then after granting him an opportunity of hearing shall pass its reasoned order on the issue. The respondent No. 3 shall also give notice to the respondent No. 7 School to participate in the hearing and whatever necessary documents and records are necessarily to be produced by the respondent No. 7 it shall do the needful without any delay.

The respondent No. 3 shall ascertain whether any rival claim is there in any manner in respect of the claim on account of the family pension of the deceased father of the petitioner and the respondent

No. 7 shall also apprise on this score to the respondent No. 3.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of eight weeks from the date of communication of this order. The respondent No. 3 shall communicate its reasoned decision/order to the petitioner and the respondent Nos. 6 and 7 within a further period of two weeks from the date of such reasoned order to be passed.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any manner. The petitioner shall be at liberty to urge whatever points are available to him along with the necessary documents and papers he wishes to rely upon. Similarly, the School authority shall also be at liberty to rely upon whatever documents and records it wishes to rely upon before the respondent No. 3.

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

It is further made clear that, this order shall not create any equity in favour of the petitioner, if he is not otherwise eligible to receive the claim.

On the above terms, this writ petition being **WPA 24382 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.)