

13.
15.12.2022
S.D.

W.P.A. 26454 of 2022

Smt. Indrani Ghosh (Ghoshal)
Vs.
The State of West Bengal & Ors.

Mr. Pritam Majumdar
...For the petitioner
Mr. Suman Basu
...For the Respondent No. 3
Mr. Arjun Roy Mukherjee
Ms. Sucharita Pal
...For the State

The petitioner's husband was a Darwan-cum-Night Watchman in Sakti Sangha Sontoshbala Smrity Pathaghar, Naktala. The petitioner's husband was superannuated from his service on August 31, 1999. Thereafter, the petitioner's husband died on November 3, 2014.

The petitioner made a prayer for disbursal of retiral benefits including family pension to her. The prayer of the petitioner was initially turned down on November 7, 2017 by the District Library Officer, Kolkata, Government of West Bengal on the ground that the petitioner's husband was not a pension optee.

Mr. Majumder, learned counsel appearing on behalf of the petitioner submits that initially in 2015, the petitioner's prayer was rejected since petitioner's husband did not submit the relevant documents for grant of pension to him. Thereafter, the petitioner's prayer was rejected in 2017 since the petitioner's husband was not a pension optee. He submits that such a reason is untenable and is a result of non-application of mind since the petitioner's husband has exercised his option for pension during his service. The relevant documents are annexed at pages 39 to 42 of the writ petition.

The petitioner has been living in extreme financial constraints since her prayer for disbursement of death-cum-retiral benefits has not been disbursed by the authorities concerned. He prays for consideration of the representation dated July 21, 2022.

Mr. Mukherjee, learned counsel appearing on behalf of the respondent no. 4 submits that the representation of the petitioner may be disposed of in terms of the extant rules and policies of the respondent.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that from the documents annexed at pages 39 to 42 of the writ

petition, it appears that the petitioner's husband was a pension optee. Therefore, the reason for rejection vide Memo dated November 7, 2017 issued by the District Library Officer, Kolkata appears to be untenable.

The respondent no. 4/the District Library Officer is directed to consider the representation of the petitioner dated July 21, 2022 within four weeks from date upon giving a personal hearing to the petitioner. A reasoned order shall be passed and communicated to the petitioner within two weeks of passing thereof. While considering the representation of the petitioner, the respondent no. 4 shall consider the documents placed by the petitioner including ones annexed at pages 39 to 42 of the writ petition.

The communication regarding the date of personal hearing of the petitioner shall be made at the office of the learned advocate representing the petitioner.

Since no affidavits have been directed to be exchanged in the matter, all the allegations contained in the writ petitioner are deemed not to have been admitted by the parties.

With the directions aforesaid, **W.P.A. 26454 of 2022 is disposed of.**

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)