

12.05.2022
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S.B.

Calcutta High Court
In the Circuit Bench at Jalpaiguri

WPA 996 of 2022

Gita Roy
-vs-
The State of West Bengal & Ors.

Mr. Deborshi Dhar ...for the petitioner

Mr. Hirak Barman
Ms. Bedashruti Bose ...for the State

Affidavit of service filed by the petitioner is taken on record.

The writ petitioner is the wife of retired primary teacher who died on 16th January, 2018. Petitioner's husband retired from the said post of primary teacher on 31st August, 2007. After superannuation of the husband of the petitioner Pension Payment Order was issued vide memo dated 6th August, 2008 and retiral dues including family pension were disbursed in favour of the husband of the petitioner.

The grievance of the petitioner is after the death of the husband of the petitioner on 16th January, 2018, she is entitled to get family pension which has not been sanctioned till date.

Mr. Hirak Barman, learned advocate appears on behalf of the petitioner and submits that

initially there was dispute with regard to identification of the heir of the deceased retired teacher but subsequently the issue has been resolved by memo dated 29th November, 2018 issued by the Collector, Cooch Behar wherein the heirs of the deceased teacher have been declared. It has further been submitted on behalf of the state respondents that one demand justice has been made on behalf of the petitioner dated 28th February, 2022 addressed to the District Inspector of Schools (PE), Cooch Behar being the respondent no. 4. Let the same be considered upon taking note of the heirship certificate issued by the Collector, Cooch Behar.

Having considered the submission made on behalf of the parties to the writ petition, this Court directs the respondent no. 4 to treat the said demand justice dated 28th February, 2022 as representation of the petitioner and pass a reasoned order on the entitlement of the petitioner to receive family pension in consideration of the heirship certificate dated 29th November, 2018 issued by the Collector, Cooch Behar by passing a reasoned order within a period of eight weeks from the date of communication of this order. Before taking such decision, the respondent no. 4 is further directed to give an opportunity of hearing to the petitioner and

other interested parties. The decision to be taken by the respondent no. 4 shall be communicated to the petitioner within one week thereafter.

With the above direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)