

03.04.2023
Court No.19
Item No.14(DL)
srm

W.P.A. No. 4911 of 2023

Sumitra Koley

Versus

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya)

... for the Petitioner.

Mr. Malay Krishna De,

Mr. Munshi Mizanur Rahaman

... for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner claims family pension as an unmarried daughter of a deceased employee of Bainan Gram Panchayat, Howrah. It is submitted that the father of the petitioner died on March 15, 2019. The mother of the petitioner pre-deceased the father.

The petitioner claims family pension on the basis of a Memorandum dated March 3, 2008 issued by the Government of West Bengal, Finance Department, Pension Branch read with Memorandum dated June 10, 2009 issued by the Government of West Bengal, Department of Panchayats and Rural Development, by which the benefit of family pension was extended to unmarried daughters of

the deceased, even beyond the age of 25 years till she got married or her death, subject to certain conditions.

The claim of the petitioner has been rejected by application of paragraph 4(b) of Death-cum-Retirement Benefit Scheme, 1985 applicable to panchayat employees read with the proviso to paragraph 29(c) under Chapter VII of the scheme.

It, *prima facie*, appears to the Court that the Block Development Officer, Bagnan-I, Howrah has failed to consider the Memorandum dated December 30, 2009 issued by the Assistant Secretary to the Government of West Bengal, Department of Panchayats and Rural Development, Panchayat Wing read with the Memorandum dated June 10, 2009 issued by the Joint Secretary to the Government of West Bengal, Department of Panchayats & Rural Development, Panchayat Wing. By the said memoranda, extension of family pension to the unmarried daughters even beyond the age of 25 years have been provided.

Under such circumstances, the writ petition is disposed of with a direction upon the Block Development Officer, Bagnan-I, Howrah to immediately take into consideration the petitioner's application for family

pension in terms of the abovementioned memoranda and issue necessary orders for grant of family pension subject to fulfilment of other criteria, if any.

Such decision shall be taken within a period of three weeks from the date of communication of this order.

The decision of the Block Development Officer, Bagnan-I, Howrah dated June 7, 2022 is set aside and cancelled.

If there are reasons for non-grant of the said pension, reasons shall be assigned in the order.

In case, the petitioner is squarely covered by the memoranda by which the benefits of family pension had been extended to unmarried daughters even beyond the age of 25 years, then the family pension should be released immediately in favour of the petitioner, with all arrears.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)