

24.07.2023
Item No.11
Ct. No. 238
AKG

WPA 5883 of 2023
Sharmistha Bhattacharyya
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Sayantan Hazra
Mr. Asif Mehdi

...for the Petitioner

Ms. Lina Majumdar

...for BCKV

Mr. Wasim Ahmed,
Sk. Md. Masud

...for the State

The petitioner is a divorced daughter of a deceased employee in Bidhan Chandra Krishi Viswavidyalaya, Nadia. She prays for her family pension.

Learned advocate appearing for the petitioner submits that as per Memo no. 620-F (Pen) dated June 29, 2006, the State has decided that the benefit of family pension shall be extended to the widowed/divorced daughter of State Government employee/pensioner even after her attaining the age of 25 years till her remarriage or death. This rule was, however, subjected to the condition that the benefit should be admissible when the eligible daughter has an income not exceeding Rs. 2,600/- per month from employment in Government, semi Government, Statutory Bodies, Corporation, Undertakings, Private

Sector, Self employment etc. He further submits that following the said order dated June 29, 2006, the School Education Department also extended a similar benefit to the divorced/widowed daughter of teaching and non-teaching staff/pensioner of West Bengal Non-Government Educational Institutions. Therefore, the denial of such benefit to the petitioner is discriminatory and she should also be entitled to the family pension.

On behalf of the university, it has been submitted before this Court that the Registrar of the university by a letter dated March 11, 2022 requested the Additional Secretary, Department of Agriculture of the State to include the provision in the applicable Death-cum-Retirement Benefit scheme for the employees/pensioners of Bidhan Chandra Krishi Viswavidyalaya and to issue necessary matching orders for extending the family pension to the eligible unmarried daughter /widowed /divorced / dependant daughter to protect them from financial hardship.

It has further been submitted by the university that till date, no response has been received against such letter.

The State has filed a report. The report also suggests that since the West Bengal State -aided Universities (Death-cum-Retirement Benefit) Scheme, 1999, applicable to the State-aided Universities like

Bidhan Chandra Krishi Viswavidyalaya, does not have any provision for extending the benefits of family pension for the divorced daughter, no relief can be granted to the petitioner.

It is the further stand of the State that apart from Memo no. 620-F (Pen) dated June 29, 2006 and Memo No. 830-F (Pen) dated September 20, 2010, there is no other government order/circular for a divorced daughter.

I am of the view that since following the Financial Department's order dated June 29, 2006, the State as well as the School Education Department, has extended the benefit to divorced/widowed daughter of teaching and non-teaching staff of West Bengal Non-Government Recognised Education Institution even after attaining the age of 25 years till her remarriage or death, the Department of Agriculture should also consider issuing a similar order.

In that view of the matter, this writ petition is disposed of with a direction upon the Secretary, Department of Agriculture to consider the issuing a government order permitting the grant of family pension to widowed, divorced and unmarried daughter of State aided Universities under the said department within a period of one month from the date of communication of this order.

If such benefit is extended, needless to mention the petitioner's case shall be governed by the said order.

With the aforesaid observations, **WPA 5883 of 2023** is disposed of.

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.)