

11.
25.4.2023
S.D.

W.P.A. 7186 of 2023

**Chabi Mirdha
Vs.
The State of West Bengal & Ors.**

Mr. K.C. Das
Mr. Sk. Sahjahan

... For the Petitioner

Mr. Suman Dey

...For the State

Affidavit of service filed in Court today is retained with the records.

Despite service no one appears on behalf of the answering respondent/Digha Sankarpur Development Authority. The husband of the petitioner worked as a Peon with the Digha Sankarpur Development Authority (DSDA). He died on September 17, 2022. By the Pension Payment Order dated February 25, 2022, the amount of pension payable to the petitioner's husband has been determined. As per the said Pension Payment Order, the petitioner's husband was receiving his pension. After the death of the petitioner's husband, she made a representation before the authorities concerned on or about January 31, 2023 for release of family pension in her favour. However, the petitioner's

representation has not been considered and the family pension has not been released in her favour, even though she is the legally married wife of the deceased employee.

Mr. Dey, learned counsel appears on behalf of the State.

Considering the submissions made on behalf of the petitioner and the materials placed on record, this Court is of the view that the representation dated January 31, 2023 should be considered by the respondent no. 5/the Executive Officer, DSDA for payment of family pension in favour of the petitioner upon compliance of the necessary formalities by her. The said representation has to be considered within six weeks from date upon giving a personal hearing to the petitioner and a reasoned order shall be passed thereon. The said reasoned order shall be communicated to the petitioner within two weeks of passing thereof. In the event, the petitioner is found eligible/entitled for payment of family pension, the same shall be disbursed to her month by month starting one month after the date of the reasoned order.

With the directions aforesaid, **W.P.A. 7186 of 2023** is **disposed of.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in

the writ petition are deemed not to have been admitted by the parties.

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.)