

W.P.A. 12750 of 2023

Chandan Manna & ors.
-Vs-
The State of West Bengal & Ors.

Mr. Soumen Dutta,
Mr. Sabyasachi Bhattacharya,
.....for the petitioners.

Mr. Samim ul Bari,
... for the State.

The petitioners are the heirs and legal representatives of a deceased teacher.

On the death of the said teacher, his widow used to receive family pension.

The said widow, as the proof of age, submitted her Voter Identity Card (EPIC). The concerned authority calculated her age on the basis of the said document and fixed the rate of pension accordingly. The widow started receiving the family pension from 2001, longtime thereafter in the year 2022, she applied for correction of her age on the basis of Aadhar Card but died before disposal of her said prayer.

The petitioners are alleging that if the age of the said widow was recalculated on the basis of her date of birth recorded in the Aadhar Card, she would have received the family pension at a higher rate, as such an arrear amount of family pension has accumulated to which the petitioners, being the heirs of the said widow, are entitled to.

Mr. Dutta, learned counsel for the petitioners, submits that the EPIC Card does not disclose the date of birth of a person as such, the age of the widow should not have been calculated on the basis of the said document, rather it should have been re-calculated as soon as the widow supplied her Aadhar Card but unfortunately such correction of age was not carried out depriving the widow from getting the family pension during her

lifetime at the rate commensurate with her age nonetheless the petitioners, being the heirs of the said widow, are entitled to the arrears of such family pension.

Mr. Bari, learned counsel for the State-respondents, submits that the widow did not raise any objection to the rate of family pension for 21 years. He refers to the Memorandum, Government of West Bengal, Finance Department, Pension Branch, Kolkata bearing No. 444-F(Pen) dated the 22nd May, 2023 to contend that the age of a pensioner can be calculated on the basis of EPIC card.

I have heard the learned counsel for the parties and have perused the materials on record.

The age of the widow was calculated on the basis of the EPIC Card and the rate of family pension was fixed accordingly. She received the said family pension at the said rate for nearly two decades without any objection. The Memorandum referred by Mr. Bari authorizes the concerned authority to calculate the age of the pensioner on the basis of the EPIC card.

This Court, for the aforesaid reason, does not find any merit in the claim of the petitioners.

WPA 12750 of 2023 is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)