

April 18, 2023
Sl. No. A 84
Court No.19
s.biswas

WPA 12843 of 2022

Nirmala Mandal
vs.
The State of West Bengal and others

Mr. Ziaul Haque, Advocate

... for the petitioner

Mr. Gourav Das, Advocate

... for the State

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

The petitioner is the divorced daughter of late Parbati Charan Sarkar, who was the Secretary of Sahajadpur Gram Panchayat. The father of the petitioner retired from service on April 12, 1985. The petitioner's mother Shailaja Sarkar died on May 12, 1997. The father of the petitioner died on December 22, 2010.

The petitioner, being a divorced daughter and dependent on the income of her father, applied for grant of family pension. The said application was filed on August 12, 2011. According to the petitioner, she satisfied the definition of family as provided in the Death-cum-Retirement Benefit Scheme, 1985. Reference has been made to decisions of this Court, wherein it had been held that divorced daughters should be considered eligible for grant of family pension.

The Court does not wish to enter into the merits of the case as the facts are not clear to the Court.

It appears that the Deputy Director of Panchayat and Rural Development, West Bengal had written to the Joint Secretary (PRI Cell), Department of Panchayat and Rural Development to take a decision with regard to the grant of family pension in favour of the petitioner on the basis of the scheme.

From the communication dated September 13, 2019, it is clear that the authorities had considered the eligibility of the petitioner and had requisitioned for the forms to be filled in. It also appears that the Block Development Officer, Joynagar-II Development Block, had forwarded the case of the petitioner to the Director of Pension, Provident Fund and Group Insurance, West Bengal on March 12, 2018.

The Secretary, Department of Panchayat and Rural Development, Government of West Bengal shall treat the writ petition as a representation and dispose of the same in accordance with law upon hearing the petitioner. The petitioner will be represented by a learned advocate. A reasoned order shall be passed and communicated to all.

The entire exercise shall be completed within a period of six weeks from the date of communication of the order.

The time period mentioned herein should be treated as mandatory as the petitioner is suffering

from cancer and she has been running from pillar to post since 2011.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of server copy of this order.

(Shampa Sarkar, J.)