

19.04.2023
Court No. 19
Item 127
CP

WPA No. 15539 of 2022

Sandhya Debnath

Vs.

The State of West Bengal & ors.

Mr. Dilip Kumar Maiti

....for the petitioner.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondents.

The petitioner is the divorced daughter of late Abhay Charan Debnath who was an employee of Chayapara Gram Panchayat. The petitioner's late father retired from service on November 30, 2010. The mother of the petitioner predeceased the father. The petitioner claims to be the divorced daughter of the said deceased father and the sole dependent family member. The other sisters of the petitioner are married and her brothers are adults. The father of the petitioner died on December 2, 2017.

The petitioner was divorced on January 11, 2013. Since then she was living at her father's residence and was completely dependent on her father.

The Block Development Officer, Jalangi Development Block forwarded the pension papers to the Director of Pension, Provident Fund and Group Insurance so that family pension may be released in favour of the petitioner on August 9, 2018.

The petitioner relies on the guidelines issued by the Finance Department, Pension Branch dated November 12, 2008 and the Memorandum dated June 29, 2006 in support of her contention that the State Government had already adopted a policy that divorced daughters would be entitled to family pension even after attaining the age of 25 years till their remarriage or death.

In this case, the petitioner was divorced in 2013 and had been living with her father since 2013. The father died in 2017. Hence the pension papers were forwarded to the Director of Pension, Provident Fund and Group Insurance for grant of family pension in favour of the petitioner.

The writ petition is disposed of with a direction upon the Director of Pension, Provident Fund and Group Insurance, respondent no. 3 herein, to issue necessary orders with regard to the petitioner's claim for family pension in accordance with the prevailing government rules and circulars applicable herein. Such decision shall be taken and communicated to

the petitioner within a period of four weeks from the date of communication of this order.

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 the server copy of this order.

(Shampa Sarkar, J.)