

22.11.2023

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WPA 16049 of 2023

Subhashree Basu

Vs.

The State of West Bengal & Ors.

Mr. Srikanta Dutta

Mr. Prodyot Kumar Ray

... For the petitioner.

Mr. Shamim ul Bari

... For the State.

Let the affidavit filed by the State be kept with the record.

The petitioner is a divorcee. Her father was a Reader at Maharaj Srischandra College at Kolkata, who retired on October 01, 1999.

It is not in dispute that her father received the retiral dues, including pension and after his death on October 05, 2015, the mother of the petitioner used to receive the family pension. She also died on May 21, 2021.

The petitioner is the only daughter and her marital tie was severed by a decree of divorce in the year 2022.

After the death of her mother, the petitioner applied for her family pension through the college on July 23, 2022. Such prayer was repeated on March 28, 2023.

Mr. Samim ul Bari, learned advocate appearing on behalf of the State submits that under the West Bengal Non-Government College Teachers' (Death-cum-Retirement Benefit) Scheme, there is no provision for family pension for a divorcee daughter of a deceased employee of a Non-Government College Teacher. He further submits that the grant of pension in favour of unmarried/divorcee daughter is under the active consideration of the State pursuant to an order passed by a Division Bench of this Court in FMA 1325 of 2018.

In that view of the matter, this writ petition is disposed of with a direction upon the Secretary, Higher Education Department, West Bengal to consider the issuance of an appropriate memorandum with the concurrence of the Finance Department of the State to extend the benefit of family pension in favour of an unmarried/divorcee daughter of a deceased employee of a Non-Government College within a period of one month from the date of communication of this order.

If the State decides to issue such a notification extending the benefit of family pension in favour of unmarried/divorcee daughter, needless to mention, the same shall be extended to the petitioner within a period of two months from the date of communication of the order.

Accordingly, **WPA 16049 of 2023** is disposed of.

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

(Kausik Chanda, J.)