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18.12.2023
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 19160 of 2023

**Ms. Mala Nayak
-versus
The State of West Bengal & Ors.**

**Mr. P. C. Das
Ms. Soma Chowdhury (Bandhu)
... For the petitioner.**

**Mr. Ranjit Rajak
... For the State.**

The petitioner is an unmarried daughter of a deceased employee of the Serampore Municipality. She seeks pension. Application was made by the petitioner seeking pension in the year 2017 but the same has not been considered till date.

The petitioner relies upon various orders passed by this Court granting pension in favour of unmarried daughter.

None represents the municipality.

Affidavit-of-service filed in Court today be kept with the records.

As it is settled law that the unmarried daughter will be eligible for receiving the terminal benefits of the deceased employee accordingly, the instant writ petition is disposed of by directing the Chairman, Serampore Municipality to take a decision on the application made by the petitioner seeking family pension in line with the law laid down by this Court in several matters and

especially in the matter of ***Putul Rabidas –Vs- Eastern Coalfields Ltd. & Ors.*** decided by the Hon'ble Special Bench on 13th September, 2017 in FMA 4401 of 2016.

A decision shall be taken by the Chairman, Serampore Municipality at the earliest but positively within a period of eight weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

If the Chairman holds in favour of the petitioner, then necessary consequential steps shall be taken at the earliest.

Learned advocate for the petitioner is directed to forward a copy of the application made by the petitioner dated 26th April, 2017 along with other relevant documents including the judgment relied upon to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)