

15.
19.9.2023
S.D.

W.P.A. 20441 of 2023

Rekha Bhanja
Vs.
The Union of India & Ors.

Mr. Dinendra Nath Chatterjee
Ms. Chandrani Mukherjee
..For the Petitioner

Mr. Saptarshi Dutt
...For the FCI

The petitioner's case is that her father was a retired employee of the Food Corporation of India (FCI). Her father was getting pension till his death on July 13, 1968. Thereafter, the petitioner's mother was getting family pension till her death on February 6, 2016. The petitioner being a dependent daughter has been residing with her parents since 2010. The petitioner's husband went missing sometime in 2010 and a Missing Diary was lodged on September 25, 2010 vide P.S. Case No. 2383. Also another Memo was lodged on May 18, 2012 and subsequently on September 25, 2017, the CID vide Memo No. 237 informed that the husband of the petitioner remained unfound. The petitioner made several

representations before the Officer concerned of the FCI since 2018 for grant of family pension.

The petitioner also produced the decree passed in title Suit No. 1000 of 2021 by the 2nd court of Civil Judge (Junior Division), Howrah regarding the declaration of civil death of her husband under Section 108 of the Indian Evidence Act, 1872.

Mr. Chatterjee, learned counsel appearing on behalf of the petitioner submits that despite producing all the necessary documents before the authority concerned, till date, the petitioner has not been granted family pension by the FCI.

Mr. Dutt, learned counsel appears on behalf of the FCI and submits that vide communication dated January 17, 2022, the petitioner has been informed that the Marriage Certificate of the petitioner and also the PPO Booklet (Pensioner's portion) of the deceased employee and his wife has to be produced before the authorities concerned.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that justice will be sub-served by directing the authorities concerned to dispose of the representation of the petitioner dated February 7, 2018 and all other subsequent representations within a period of four weeks from date upon

giving a personal hearing to the petitioner. The petitioner is also directed to produce the necessary documents required by the FCI on the date of such personal hearing.

The representations of the petitioner shall be disposed of by passing a reasoned order and the same shall be communicated to the petitioner within two weeks of passing thereof.

In the event, the petitioner is found to be eligible for family pension, she will be entitled to receive month by month family pension from the month of November, 2023 within the 10th of each month.

The petitioner shall also be eligible for arrears of family pension from February 7, 2018 being the date of the representation made by her for grant of such family pension, if otherwise found eligible.

With the directions aforesaid, **W.P.A. 20441 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)