

Court No. 17

WPA 26651 of 2022

06.07.2023

(AD 19)

(S. Banerjee)

Sabitri Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Debabrata Karan
Ms. Sabita Khutia (Bhunya)
Mr. Debopriyo Karan

... for the petitioner

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal

... for the State

Here, despite going through the order of the Hon'ble Supreme Court passed in Civil Appeal No. 5151-5152 of 2008, where the Hon'ble Supreme Court held that delay in respect of pension cases should not be rejected.

In this particular case despite respectfully agreeing with the Hon'ble Supreme Court's observation, I cannot but hold that the petitioner's husband expired 46 years back. Now it is hardly possible for the department to trace out the papers and documents relating to the petitioner and if such applications are entertained by the court, floodgates may open where a large number of petitioners may come before this court with the same prayer; the department as well as the principle on which pension is given, will be jeopardized. The petitioner has lived for last 46 years without the

family pension in respect of his expired husband and she got a service against death in harness of his husband. Now the petitioner lady is aged about 66 years. For last 46 years she has not raised her claim for getting the family pension against the death of her husband.

Therefore, now she has lost all her rights in respect of family pension for her deceased husband and she is not entitled to get any family pension after 46 years from the death of her husband.

Therefore, I find no merit in this writ application, and the same is dismissed.

(Abhijit Gangopadhyay, J.)