

Court No. 22
24.02.2023
(Item No. 37)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 27626 of 2022

Minati Chakraborty
VS
The State of West Bengal & Ors.

Ms. Jonaki Khan
... for the petitioner
Mr. Naba Kumar Das
Mr. Subhabrata Das
... for the State

Supplementary affidavit filed in Court today, is taken on record.

The father of the petitioner, namely, Radha Raman Chakraborty since deceased was an **Assistant Teacher**. After the demise of the father, the mother of the petitioner, namely, Sushama Chakraborty received the family pension. The mother now died on **August 28, 2022**. The petitioner being the unmarried daughter claimed the family pension. It is submitted that, a married sister of the petitioner namely, Arati Chakraborty is also there who has not been impleaded.

Pursuant to the direction made by this Court on February 17, 2023 the petitioner had affirmed an affidavit on February 23, 2023 disclosing the bank accounts. The petitioner is now 62 years of age. The petitioner is **Physically (50% mentally) Challenged**, as would be evident from **page 21, Annexure P-5** to

the writ petition. The petitioner has a legal right to receive the family pension.

Ms. Jonaki Khan, learned advocate appeared for the petitioner.

Mr. Naba Kumar Das, learned advocate appeared for respondent Nos. 1 and 3.

Considering the submissions made on behalf of the parties and considering the case made out in the writ petition and upon perusal of the materials on record, to sub-serve justice, the respondent No. 2 is directed to decide the representation of the petitioner at **page 22** to the writ petition upon giving at least seven days prior hearing notice to the petitioner and also upon Ms. Jonaki Khan learned advocate representing the petitioner before this Court, the sister of the petitioner vide, **Smt. Arati Chakraborty** upon her address and details being submitted by the petitioner and the respondent No. 3 and then after giving them an opportunity of hearing shall decide the issue with a reasoned order upon verification of all the relevant documents and records. The respondents No. 2 may refer to a copy of the writ petition along with all the documents thereto at the time of passing his reasoned decision. The petitioner may be represented through an authorized representative before the respondent No. 2.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 2 positively within a period of ten weeks from the date of communication of this order.

The respondent No. 3 is directed to co-operate with the respondent No. 2 in every respect and shall produce all the necessary documents and records before the respondent No. 2 if it is so required.

The respondent No. 2 then shall communicate its reasoned decision to the petitioner and its authorized representative, if any, the said Smt. Arati Chakraborty and the respondent No. 3 within a further period of two weeks from the date of the said reasoned order to be passed. The respondent Nos. 2 and 3 thereafter shall take all further and consequential steps in accordance with law to release and disburse the family pension in favour of the petitioner positively within a period of four weeks from the date of the said reasoned order to be communicated to the petitioner and the respondent No. 3.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner and the petitioner shall be at liberty to urge whatever points she wishes to urge before the respondent No. 3 by relying upon whatever records and documents she wishes to rely upon.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 27626 of 2022** stands disposed of.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)