

17.07.2023
SL No.13
Court No.8
(gc)

**FMA 742 of 2021
CAN 1 of 2022**

**Debi Giri
Vs.
The State of West Bengal & Ors.**

Mr. Soumen Dutta,
Mr. Sabyasachi Bhattacharjee,
...for the Appellant.
Mr. Biswabrata Basu Mallick, A.G.P.
Mr. Sanjib Das,
...for the State.

We have heard the learned Counsel for the parties.

The learned Single Judge has declined to grant any relief to the writ petitioner as the family does not include an unmarried sister. The claim for pension was made on the basis of the Recognized Non-Government Secondary Institutions Pension Rules dated 18th July, 1968. The said Rules appear to have been substituted by the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement) Benefits Scheme, 1981 whereby the definition of family has undergone a change. In the revised definition of family, unmarried sister is excluded.

The learned Counsel for the appellant submits that it is a beneficial legislation and there could not be any reason for exclusion of the unmarried sister from the definition of the said family. The learned

Counsel for the appellant has relied upon the decision of the Hon'ble Supreme Court in **Smt. Poonamal & Ors. Vs. Union of India & Ors.** reported at **(1985) 3 SCC 345 Paragraph 7** to raise an issue of unreasonable classification among those who would be entitled to similar treatment. The said Rules are not under challenge.

Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

The appeal fails.

Accordingly, the appeal and the application stand dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)