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10.04.2023
SB
Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 732 of 2023

Sandhya Roy
-versus-
The State of West Bengal & Ors.

Ms. Supriya Singh
...For the Petitioner

Mr. Bikramaditya Ghosh
Mr. Momenur Rahman
...For the State

Affidavit of service filed in Court today is taken on record.

The petitioner claimed that the husband of the petitioner namely, late Upendra Nath Roy, since deceased had worked as an **Assistant Teacher in Uttar Majherdabri Primary School, District - Alipurduar**. The deceased had retired and ultimately died on August 31, 2006. The petitioner as the wife of the said deceased teacher claimed the family pension and other employment benefits on account of her deceased husband.

The private respondent no. 6 claiming to be also a wife of the said deceased teacher has a lodged rival claim on the same score with the respondent authority.

The present petitioner submitted its representation dated **September 24, 2022 (Annexure P-1 at page 15 to the writ petition)** before the State Authorities and

claimed that the said representation had not yet been disposed of.

The private Respondent No. 6 had not been represented.

In view of the above, to sub-serve justice, the respondent no. 4 through its secretary is directed to consider the said representation dated **September 24, 2022 (Annexure P-1 at page 15 to the writ petition)** upon giving atleast prior seven days notice to the petitioner and **the private respondent no. 6** and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The presence of the **private respondent 6** shall have to be assured by serving a proper notice by the respondent no. 4.

The entire exercise as directed above shall be carried out and completed by the respondent no. 4 within a period of eight weeks from date of communication of this order. The respondent no. 4 then shall communicate the reasoned order to the petitioner and the **private respondent no. 6** within a further period of two weeks from the date of the reasoned order to be passed.

It is made clear that this Court has not gone into the merit of the claim and rival claim of the parties. The petitioner and **the respondent no. 6** shall be at liberty to urge whatever points they wish to urge by relying upon

whatever records and documents they wish to rely upon before the respondent no. 4.

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

It is made clear that, this order shall not any equity or right in favour of the petitioner and the private respondent no. 6 in the event they are not eligible to receive any claim strictly in accordance with law and / or shall be eligible to receive their claim to the extent they will be entitled.

In the event, the reasoned decision goes in favour of the petitioner and / or the respondent 6 then the respondent nos. 3 and 4 shall give immediate effect to the said decision but positively within a period of four weeks from the date of communication of the reasoned decision to them.

On the above terms this writ petition being **W.P.A. 732 of 2023** stands disposed of, without any order as to costs.

(ANIRUDDHA ROY, J.)