

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

WPA 1034 of 2023

**Uttam Rajbanshi
-versus
The State of West Bengal & Ors.**

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah
... for the petitioner.

Mr. Bikramaditya Ghosh,
Ms. Bedashruti Bose
....for the State.

Mr. Hillol Saha Podder,
Ms. Mousumi Das
.....for the respondent no.4.

Affidavit of service filed in Court today be kept with
the records.

The father of the petitioner and the private
respondent (respondent no.4) was an employee of
Jalpaiguri Division, Public Health Engineering
Department, Government of West Bengal. The
petitioner's father died on 24th November, 2018. Upon
his death, the petitioner's mother, being the widow was
receiving the family pension. Subsequently on 16th
July, 2021 the petitioner's mother also died leaving
behind Anita Rakshit (nee Rajbanshi), Pradip
Rajbanshi, Uttam Rajbanshi and Sumita Sarkar as her
legal heirs and heiresses. The petitioner after the death
of her mother applied for family pension as a
dependant. At the same time, the private respondent

also made an application for family pension as a dependant of the employee. The issue since then has rested before the authority concerned without any further adjudication.

The petitioner seeks appropriate orders for granting the family pension in her favour. The petitioner has also made two representations respectively on 2nd January, 2023 and 2nd February, 2023. The petitioner says that these representations have also remained unaddressed.

On behalf of the State, it is submitted that the petitioner and the private respondent are at the same time claiming pension as dependant family member of the deceased employee. This has left the issue undecided.

In the aforesaid facts and circumstances, the respondent no.3 is directed to dispose of the representations made by the petitioner after hearing the petitioner and the private respondent on the issues that may be raised before him and to pass a reasoned order within 4 months from date.

With the above observation, the writ petition, being WPA 1034 of 2023 stands disposed of accordingly.

All parties, including the respondent no.3, shall act on a server copy of this order duly downloaded from the official website of this Court without insisting upon production of certified copy thereof.

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

(Arindam Mukherjee, J.)