

14.12.2023
SL.22, Ct.2
AJ.

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

W.P.A. 2180 of 2023

**Chhamchun Nahar Ali
-Vs-**

The State of West Bengal & Ors.

Mr. Jagriti Mishra,
Ms. Ananya Bhattacharya,
Mr. Raj Kumar Gupta,
Ms. Mrinmayee Das.
.....for the petitioner.

Mr. Subir Kumar Saha, Ld. A.G.P.,
Mr. Momenur Rahman.
.....for the State.

Mr. Debajit Kundu.
.....for the respondent no.6.

The son of the petitioner was a Assistant Teacher of a primary school who died-in-harness on June 02, 2020. The widow of the said deceased teacher, the respondent no. 6 herein is receiving family pension.

The petitioner is praying a share in the said Family Pension. The respondent no. 6 alleged that for the refusal of the petitioner to give no-objection, she is unable to proceed with her prayer for compassionate appointment.

This Court referred the matter to mediation for amicable settlement of the dispute between the petitioner and the respondent no. 6.

The mediation is successful. The mediation report is placed before this Court. The terms of settlement arrived at is recorded in the said report which are as follows:-

1. "That, the Respondent no.6 hereby relinquishes her claim of 50% of the Family Pension in favour of the Petitioner w.e.f. this day.
2. That, the Petitioner hereby relinquishes her claim of right of Compassionate appointment in the Service of her deceased son in favour of the Respondent no.6.
3. That, there shall not be any claim of any of the parties as regards Family Pension and Compassionate appointment in future."

To implement the said terms, the respondent no.6 shall instruct the bank in which she is receiving the Family Pension for deduct of a sum of Rs.8,000/- per month from the said account and to credit the said amount in the bank account of the petitioner.

On receipt of first of such amounts, the petitioner shall issue no-objection certificate in favour of the respondent no. 6 enabling her to apply for compassionate appointment.

In the event the petitioner fails/neglects to issue the said no-objection certificate, the respondent no. 6 is not

obliged to make the aforementioned payment to her.

Mr. Mishra, learned Counsel for the petitioner shall supply the details of the bank account of the petitioner with IFSC code to Mr. Kundu, learned Counsel for the respondent no.6.

W.P.A. 2180 of 2023 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)