

11.07.2024
Court No.13
Item No.50
AP

WPA 89 of 2024

**Rita Paul
Vs.
The State of West Bengal and Ors.**

Ms. Debalina Sarkar
Mr. Subham Das
Ms. Satabdi Dey

... For the Petitioner.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

... For the State.

1. The writ petitioner is aggrieved by orders dated 1st August, 2022 and 12th December, 2022 issued by the Officer on Special Duty, Pension, Provident Fund & Group Insurance, Government of West Bengal. By the impugned orders the prayer for pension of the petitioner has been rejected.

2. The ground for rejection is a Circular No.539-SE dated 1st November, 2010, where it has been stipulated that only retired employees and their living widows of Aided Non-Government Schools in the primary section of the State shall be entitled to pension. The petitioner is a widowed daughter of the deceased employee.

3. Admittedly, her father, who retired from service on 31st March, 1976 received pension. The father died on 3rd October, 1989. Counsel for the petitioner submits that her mother received pension after her father, until her death on 9th August, 2003.

4. In view of the Circular No.539-SE dated 1st November, 2010, the writ petitioner is not entitled to pension as a daughter/widow daughter of the deceased employee. The circular is not under challenge before this Court.

5. Hence, no relief can be granted to the petitioner.

6. The writ petition fails and hereby dismissed.

7. There shall be no order as to costs.

8. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)