

06.03.2024.
Court No.13
Item No. 122
pk

W.P.A. No. 3623 of 2024

**Smt. Surama Ghorai
Versus
The State of West Bengal & Ors.**

Mr. Subhrangsu Panda,
Mrs. Mithu Singha Mahapatra.
...For the petitioner.

Mr. Vimal Kumar Shahi,
Mr. Vijay Agarwal.
... For the State.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner is the widow daughter of Late
Krishna Prasad Das, who was an Assistant Teacher of
Dakhisai Primary School, District – Purba Medinipur.
He retired on 31.07.1969 and he died on 09.05.1982.
The mother of the petitioner died on 17.09.2008 and
husband died on 06.03.2000. The petitioner applied
for family pension in terms of the Circular of the State
No. 96-SE dated 13th April, 2010 which remain
unconsidered.

The right of a widowed daughter to pension has
been upheld by a Full Bench of this Court in M.A.T.
No. 1518 of 2019 (The State of West Bengal & Ors. –
Vs. – Sabita Roy).

Dakhisai Primary School, District – Purba Medinipur shall therefore forward all the papers relating to the service of Late Krishna Prasad Das to the District Inspector of Schools (S.E.) immediately.

In those circumstances, the concerned District Inspector of Schools (S.E.) shall consider the petitioner's representation which is appearing at page 22 of the writ petition. For the said purpose, the petitioner shall file a representation afresh enclosing the details of the pension payment order of her late father and other documents prescribed in the said Circular within a period of fifteen days from date.

Upon receipt of the said representation, the concerned District Inspector of Schools (S.E.) shall dispose of the same with a reasoned order within a period of four weeks thereafter.

If the concerned District Inspector of Schools (S.E.) finds that the petitioner is entitled to get pension, the same shall be released to her as expeditiously as possible, preferably within a period of one month thereafter.

In this regard, the DPPG shall bear in mind the para 18-19 of the decisions of the Three Judges Bench of this Court in MAT 1518 of 2019 dated 20th June, 2023. An unmarried daughter of a person who retired before 1981 shall also come within the purview of the

Circular dated 13th April, 2010.

The Pension Payment Order issued in the name of an employee on 23.05.2014 in terms of G.O. No. 1114-SE(Law) dated 24.08.2011 read with Memo No. 883/SL dated 12.07.2011 and 539/SE(P&B) dated 01.11.2010.

The petitioner shall be entitled to receive all arrears of family pension in terms of such Circular dated 13th April, 2010.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)