

08.07.2024
Sl. No.58
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4368 of 2024

Shrabanti Biswas Sarkar
Vs.
The West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Syed Mansur Ali,
Mr. Subhra Sundar Mukhopadhyay,
Mr. Subhrangshu Nath Sarkar
....for the petitioner.

Dr. Madhusudan Saha Ray
.....for WBSEDCL.

The petitioner is the widowed daughter of Sreebash Chandra Sarkar who retired from the services on 31st July, 2013 and was enjoying pension paid by West Bengal State Electricity Distribution Company Limited (in short, WBSEDCL) till death on 25th January, 2021. The petitioner's husband died on 5th December, 2015. The petitioner's mother died on 2nd January, 2010 while the petitioner's brother died on 24th December, 2021. The petitioner is seeking family pension as a dependent daughter of the employee.

Admittedly, the petitioner's husband died on 5th December, 2015, that is prior to the death of petitioner's father. The petitioner, therefor, may have been dependent on her father, the employee concerned. The petitioner says that she has

submitted all documents, but the family pension has not been paid with effect from 26th January, 2021.

After hearing the parties and considering the materials on record, I find that the Director (HR & A), WBSEDCL, being the respondent no.2, be directed to dispose of the petitioner's representation dated 3rd July, 2023 by a reasoned order after giving the petitioner an appropriate opportunity of hearing. The entire exercise should be completed within 2 months from date. Immediately upon passing of the order, the same should be communicated to the petitioner.

The issue which falls for consideration has to be decided by the respondent no.2 independently and without being influenced in any manner by the observations made in this order.

Since the order is passed in the presence of the learned advocate representing the respondent no.2, no further communication is required. However, as and by way of abundant caution, the petitioner may serve a server copy of this order on the respondent no.2, who shall act on the basis thereof without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

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

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

(Arindam Mukherjee, J.)