

35 16.01.2024  
rkd Ct.15

W.P.A. 4272 of 2015

Smt. Khokhia Das

-vs-

State of West Bengal & Ors.

Mr. Chirantan Sarkar,  
Mr. Niraj Kumar Singh

....for the petitioner.

In the writ petition order of the Block Development Officer, Raiganj, Uttar Dinajpur dated 19<sup>th</sup> December, 2013 is under a challenge; petitioner being the wife of Chowkidar in Bahin Gram Panchayat, Raiganj, Uttar Dinajpur has also prayed for sanction of family pension in view of death of her husband on 1<sup>st</sup> January, 1994. Previously petitioner preferred one writ petition being WPA 17464 of 2012 which was disposed of by a coordinate Bench vide order dated 9<sup>th</sup> July, 2013 by directing the Block Development Officer, Raiganj, Uttar Dinajpur to dispose of the prayer of the petitioner for sanction of family pension. Pursuant to such direction as contained in order dated 9<sup>th</sup> July, 2013 the concerned Block Development Officer being respondent no.5 passed order after granting opportunity of hearing to the petitioner dated 19<sup>th</sup> December, 2013 which has been assailed in this writ petition since the respondent no.5 has negated the contentions of the

petitioner to grant family pension.

However, no one is representing the respondents today.

Having considered the submissions made on behalf of the petitioner and on perusal of the relevant materials available on record including the decision of the respondent no.5 dated 19<sup>th</sup> December, 2013 it appears after death of the Chowkidar on 1<sup>st</sup> January, 1994 Prafulla Das elder son of the petitioner was engaged as Gram Panchayat Karmee on considering the financial need as well as on humanitarian ground.

From perusal of the relevant part of the order dated 19<sup>th</sup> December, 2013 it does not appear that said Prafulla Das was engaged as Panchayat Karmee under died-in-harness category. It further appears that Naren Das, the deceased Chowkidar expired on 1<sup>st</sup> January, 1994 whereas under a particular Government Order as it has been disclosed by the respondent no.5 in the order dated 19<sup>th</sup> December, 2013 Chowkidars and Dafadars were absorbed on and from 1<sup>st</sup> April, 1994 upon redesignating them as Gram Panchayat Karmee. Since husband of the petitioner died three months prior to regularising his service upon redesignation as Gram Panchayat Karmee it is found that on the

date of death of the husband of the petitioner he was not working as a regular employee in Bahin Gram Panchayat.

In addition thereto the appointment letter of the employee which is at page 23 of the writ petition also goes to show that petitioner's husband was appointed not on substantive basis.

In view of aforesaid scenario it can be concluded that no enforceable right was accrued in favour of the petitioner being the wife of deceased Chowkidar in order receive the benefit of family pension.

This Court does not find any anomaly in the order of the respondent no.5 dated 19<sup>th</sup> December, 2013.

According, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

**(Saugata Bhattacharyya, J.)**