

08.04.2024
Sl. No.62.
Suman
Ct.No.238

WPA 6282 of 2024

Bandana Mandal
Vs.
The State of West Bengal and Ors.

Mr. D. K. Adhikari
Mr. Debdip Adhikari
..for the petitioner

Ms. Usha Maiti
Ms. A. Khatri
Mr. S. Maity
..for the College Authority

Mr. Rajat Dutta
Ms. Molly Saha
..for the State

Late Gita Mandal served at Raja N. L. Khan Women's College, Midnapore as a lecturer of Physiology and retired from service on January 31, 1994. Gita was provided with pension till her death on March 2, 2007. After her death, Gita's mother Anila Mandal did not apply for family pension. Anila also died on August 31, 2014. During her lifetime, Anila Mandal was not provided with family pension since she did not even apply for the same.

The petitioner claims to be the elder sister of late Gita Mandal.

By filing this writ petition, the petitioner claims arrear family pension of her mother.

By a reasoned order dated March 30, 2023, the Director of Public Instruction, West Bengal rejected the claim of the petitioner on the ground that though late Gita Mandal filed nomination paper in favour of Anila and the petitioner as recipient of gratuity, no such nomination paper for the family pension was filed by her. Death-cum-Retirement Benefit Scheme, 1981 does not contain any provision for granting family pension in favour of the mother posthumously on the prayer of the sister. Under the said scheme of 1981, a sister is not entitled to family pension.

There is no reason to interfere with the order dated March 30, 2023 passed by the Director of Public Instruction, West Bengal. It does not appear that mother of the petitioner was given family pension during her lifetime. The mother never approached any legal forum seeking family pension.

In that event, the petitioner cannot maintain this petition to claim the arrear family pension of her mother. The reason assigned to the order dated March 30, 2023 passed by the Director of Public Instruction, West Bengal does not call for any interference.

Accordingly, **WPA 6282 of 2024** is dismissed.

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

(Kausik Chanda, J.)