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Ct. 18
03.01.2024

W.P.A. 6042 of 2023
Chandana Kolya
Vs.
The State of West Bengal & Ors.

Mr. Sourav Mitra,
Ms. Pritikana Gantait,
Ms. Sreyasree Choudhury ... For the petitioner.

Mr. Shamim Ul Bari ... For the State.

The petitioner is the unmarried daughter of a deceased Assistant Teacher of Rajnagar Union High School, District – Paschim Medinipur, her prayer for family pension was refused on the ground that her family income is more than the ceiling limit of Rs. 3,500/- per month.

The Government of West Bengal (Finance Department) by the notification bearing no. 95(80)-SE(B)/1M-112/2008 dated April 13, 2010 has extended the benefit of family pension to the unmarried daughters of the employees/pensioners of the non-government aided educational institution under the DCRB Scheme, 1981 subject to the condition that the incumbent has monthly income of less than Rs. 3500/-.

The grievance of the petitioner is that, to extend the benefit of the family pension to the dependents of the deceased government employees/pensioners, the Government of West Bengal, Finance Department, (Pension Branch) by notification bearing no. 270-F(Pen) dated September 08, 2021 though has enhanced the said ceiling limit of the family income to Rs. 9000/- per month but such enhancement has not been made for the dependents

of the deceased employees/pensioners of the non-government aided educational institutions.

This Court, to obviate the said apparent disparity had directed the concerned authority to consider the issue and to submit a report before this Court.

Mr. Bari learned counsel for the State submits that pursuant to the aforementioned direction of this Court the Deputy Secretary to the Government of West Bengal, School Education Department (Secondary Branch) by a memorandum bearing no. 1613 – SE/S/1M-05/2023 dated November 09, 2023, has enhanced the ceiling limit of monthly family income to Rs. 9000/- per month also for the dependents of the deceased employees/pensioners of the non-government aided educational institutions. He files copy of the said memorandum, let it be kept with the record.

The relevant portion of the said memorandum is quoted below:-

“As per Order dated 21.08.2023 in W.P.A. No. 6042 of 2023(Chandana Kolya Versus the State of West Bengal & Ors.), Finance Department has concurred vide its U.O. No: Pension/2023-2024/0240 dated 06.11.2023 the proposal for raising the Income Ceiling of unmarried daughters only of Teachers and Non-Teaching Employees/Pensioners of Non-Govt. Aided Educational Institutions, W.B. from Rs. 3500/- to Rs. 9000/- only per month for entitlement of family pension.

After careful consideration of the matter, the Governor has been pleased to decide that the

Income Ceiling of unmarried daughters only of Teachers and Non- Teaching Employees /pensioners of Non-Govt. Aided Educational Institutions, W.B. be raised from Rs. 3500/- to Rs. 9000/- only per month for entitlement of family pension. This will take immediate effect from the date of issue of this order. Other terms and conditions in this regard shall remain the same.”

Mr. Bari further submits that in view of the aforesaid development, the District Inspector of Schools (SE)

Paschim Medinipur, the respondent no. 3 herein vide memorandum bearing No. Law - 395 dated December 22, 2023 has forwarded the proposal of sanction of family pension in favour of the petitioner to the Director of Pension, Provident Fund and Group Insurance, the Government of West Bengal, the respondent no. 4 herein and he files a copy of the said Memorandum, let it be kept with the record.

The respondent no. 4 is now required to take forward steps for issuance of the necessary pension payment order in favour of the petitioner as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order.

W.P.A. 6042 of 2023 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)