

10.04.2024.
Court No.13
Item No. 341
Sws.M

W.P.A. No. 7909 of 2024

**Gita Adhikari @ Gita Adhikary
Versus
The State of West Bengal & Ors.**

Mr. Subhrangsu Panda
Mrs. Mithu Singha Mahapatra
Ms. H. Roy

...For the petitioner.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is the widow daughter of Late Nagendra Nath Adhikary, who was a Teacher of Beriachak Arabinda Primary School, District – Purba Medinipur. He retired on 30.04.1985 and he died on 01.01.2001. The mother of the petitioner died on 29.01.2021 and also husband died on 28.11.1984. The petitioner applied for family pension in terms of the Circular of the State No. 96-SE dated 13th April, 2010 which remain unconsidered by the D.P.P.G.
3. 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).
4. The District Inspector of Schools(PE), Purba Medinipur issued a letter to the D.P.P.G. as its Memo No. 731/P(pen) dated 19.06.2023 and requested to take necessary action and also sent all the necessary documents in regard to service of late Nagendra Nath Adhikari.
5. In those circumstances, the concerned Director of Pension Provident Fund & Group Insurance shall consider the communication of the D.I. dated 19.06.2023 which is appearing at page 32 of the writ petition and issue the Pension Payment Order immediately within a period of 2 weeks from the date

and family pension shall be released to her as expeditiously as possible, preferably within a period of one month from the date.

6. 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/ widow daughter of a person who retired before 1981 shall also come within the purview of the Circular dated 13th April, 2010.

7. The Pension Payment Order issued in the name of an employee on 11.03.1987 vide memo No. 1347/1(3)/S/DPPG/Pen(s-a)-Pry-31/86.

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

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

10. There will be no order as to costs.

11. 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.)