

10.04.2024.
Court No.13
Item No. 340
Sws.M

W.P.A. No. 7818 of 2024

Smt. Malina Maiti
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 Sudhir Kumar De, who was a Teacher of Jhakurkul Primary School, District – Purba Medinipur. He retired on 31.12.1984 and he died on 11.07.2015. The mother of the petitioner died on 15.12.2013. 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. 767/P(pen) dated 06.11.2023 and requested to take necessary action and also sent all the necessary documents in regard to service of late Sudhir Kumar De.
5. In those circumstances, the concerned Director of Pension Provident Fund & Group Insurance shall consider the communication of the D.I. dated 06.11.2023 which is appearing at page 31 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 04.02.1994 vide memo No. 572/P.

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.)