

05.08.2024
Ct. No. 14
Sl. No.83
KB

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 8438 of 2024

**Kumari Dipti Maji
-versus-
The State of West Bengal & Ors.**

**Md. Harun-All Rashid
Mr. Azizul Islam
... For the petitioner.**

**Mr. Tarun Kumar Ghosh
Mr. Tanmoy Khan
...For the State.**

The petitioner is an unmarried differently abled daughter of a deceased primary school teacher. She is 100% blind. She relies upon the disability certificate dated 16th July, 2011 in support of her visionary impairment. She claims family pension.

She applied for family pension on 7th August, 2023. The District Inspector of Schools (Primary Education), Howrah vide a communication dated 31st August, 2023 intimated the petitioner that the Hon'ble High Court in the judgment dated 20th June, 2023 in ***MAT 1518 of 2019 (The State of West Bengal and others vs. Sabita Roy)*** extended the benefit of family pension to unmarried/widowed daughter of an employee

superannuated or died prior to DCRB Scheme, 1981. In none of the cases the name of the petitioner appeared.

The petitioner has been requested to furnish the Government Order, if any, issued by the appropriate authority for sanctioning family pension to unmarried/widowed daughter of the employee to the office of the D.I so as to make it possible for proceeding further with her pension file.

The petitioner thereafter submitted a further representation in December, 2023. The Additional Secretary, School Education Department forwarded the prayer of the petitioner to the Commissioner of School Education to look into the matter as per rules.

It appears from the documents annexed to the writ petition that the District Inspector of Schools (Primary Education), Howrah has completely misconstrued and misappreciated the direction passed in the judgment dated 20th June, 2023 in the matter of Sabita Roy (*supra*).

The Court laid down in no uncertain terms that the benefit of family pension can be extended to the unmarried/widowed daughter of an employee who is superannuated or died prior to coming into force of the Death Cum Retirement Benefit Scheme, 1981. The said direction was not restricted only in the case of the appellant therein.

The principle laid down in the said order is applicable to each and every employee under the said scheme. Accordingly, the matter does not require any further deliberation from the end of the Commissioner of School Education.

The District Inspector of Schools (Primary Education), Howrah is directed to take steps for processing the family pension file of the petitioner and ensure that the benefit is actually passed on to the petitioner at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on compliance of usual formalities.

(Amrita Sinha, J.)