

01.08.2024.  
PB  
Sl. No.40.  
Ct. No.14.

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

**WPA 9073 of 2024**

Arati Jana  
Vs  
The State of West Bengal & Ors.

Mr. Parash Nath Yadav,  
.....for the petitioner.

Ms. Rupsha Chakraborty,  
Ms. Sucheta Banerjee.  
.....for the State.

The petitioner is the widow daughter of a deceased primary school teacher. She seeks family pension.

The District Inspector of Schools (Primary Education), District Paschim Medinipur, has opined that as per the Government memorandum being Memo No.539-SE(P&B) dated 1<sup>st</sup> November, 2010 only employee and his/her spouse will be entitled to family pension in respect of pre-81 pension cases.

The issue whether the widow daughter would be entitled to pension in respect of the pre-81 pension cases has been conclusively decided by this Court. The

Court has laid down that the widow daughter of the deceased primary school teacher would be entitled to family pension. The Larger Bench of this Court vide judgment dated 20.06.2023 in MAT 1518 of 2019, IA CAN 2 of 2019 (Old No. CAN 10437 of 2019); State of West Bengal & Ors. Vs. Sabita Roy clearly laid down that the benefit of family pension can be extended to widow daughter of an employee who superannuated or died prior to coming into force of the Death cum Retirement Benefit Scheme, 1981 which came into effect on and from 01.04.1981.

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (Primary Education), District Paschim Medinipur to process the pension case of the petitioner and ensure that the payment is released in favour of the petitioner at the earliest, but, positively within a period of twelve weeks from the date of communication of this order. The D.I. may grant an opportunity of hearing to the petitioner for production of documents in support of her claim.

The writ petition stands disposed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Amrita Sinha, J.)**