

24.04.2024
Court No.13
Item No.73
AP

WPA 9687 of 2024

Smt. Anjana Ghosh
Versus
The State of West Bengal & Ors.

Mr. Subhrangsu Panda,
Mrs. Mithu Singha Mahapatra,
Ms. Ina Bhattacharya
Ms. Haritri Roy
Ms. Bratati Pramanik

...For the petitioner.

Ms. Mohuya Dutta Biswas

... For the State.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner is the unmarried daughter of Late
Uma Shankar Ghosh, who was a Primary Teacher of
Loada Mudasthi Primary School, District – Paschim
Medinipur. He died on 07.07.1971 during his service
period, before superannuation. The mother of the
petitioner died on 26.06.2006. The petitioner applied
for family pension in terms of the Circular of the State
No. 96-SE dated 13th April, 2010 which remain
unconsidered.

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).

Loada Mudasthi Primary School, District – Paschim Medinipur shall therefore forward all the papers relating to the service of Late Uma Shankar Ghosh to the District Inspector of Schools (P.E.) immediately.

In those circumstances, the concerned District Inspector of Schools (P.E.) shall consider the petitioner's representation which is appearing at page 21 of the writ petition. For the said purpose, the petitioner shall file a representation afresh enclosing the details of the pension payment order of her late father and other documents prescribed in the said Circular within a period of fifteen days from date.

Upon receipt of the said representation, the concerned District Inspector of Schools (P.E.) shall dispose of the same with a reasoned order within a period of four weeks thereafter.

If the concerned District Inspector of Schools (P.E.) finds that the petitioner is entitled to get pension, the same shall be released to her as expeditiously as possible, preferably within a period of one month thereafter.

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 daughter of a person who retired

before 1981 shall also come within the purview of the Circular dated 13th April, 2010.

The Pension Payment Order issued in the name of an employee on 04.06.2012 in terms of G.O. No. 1114-SE(Law) dated 24.08.2011.

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

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

There will be no order as to costs.

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.)