

14.05.2024
Court No.13
Item No.12
pk

WPA 9646 of 2024

**Smt. Uma Dubey
Vs.
The State of West Bengal and others**

Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra
... for the petitioner.

Mr. Suman Sengupta,
Mr. Sambuddha Dutta,
Mr. Sanatan Panja
... for the State.

Mr. Sujit Sankar Koley
... for the WBSEDCL.

1. Affidavit of service filed in Court is kept with the record.
2. The petitioner is the widowed daughter of one Ajay Kumar Dwivedi, who was employed with the WBSEDCL. The petitioner claims to have become dependent on her mother and father after the death of her husband and had applied for family pension on account of her father's service. Her mother, Gita Dwivedi is stated to have died on 18.11.2018. She was receiving family pension on account of her husband's service.
3. Admittedly, in the records of the WBSEDCL the deceased had four sons and two daughters.
4. It appears that none of the other sons or daughters have given any no objection. The status of the other sons and daughters is not known.

The petitioner has produced a certificate issued by a head of a mediation centre of the High Court at Calcutta that her income is Rs.800/-. The said certificate was based on the another certificate of the local Councilor of Ward No.119 of KMC.

5. This Court is of the view that the documents produced by the petitioner may not be sufficient for the purpose of entitling the petitioner to widow daughter pension.
6. There is no dispute to the fact that the widowed daughter is entitled to pension even under the WBSEDCL. The petitioner must, however, satisfy the respondents on several grounds i.e. her income, whether she is holding any income or pension on account of her husband's service, whether there are any other widowed daughters of the deceased and whether she was in fact dependent on her mother after husband's death.
7. In the aforesaid circumstances, this Court directs the WBSEDCL to conduct an enquiry of its own as regards the status of the petitioner and independently ascertain the entitlement of the petitioner to family pension as a widowed daughter on account of service of her father, Ajay Kumar Dwivedi.
8. The petitioner shall extend all cooperation and produce necessary documents as may be required

by the WBSEDCL. The employer shall be at liberty to procure documents on its own, if necessary.

9. Let a decision be taken by the respondents within three months from date in this regard and communicate the same to the petitioner.

10. With the aforesaid observation, the writ petition is disposed of.

11. There will be no order as to costs.

12. 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.)