

Ml- 10.09.2024
165 Ct.18
rkd

W.P.A. 9833 of 2023

Alpana Dorjee

-vs-

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra

....for the petitioner.

Mr. Biswabrata Basu Mallick,

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Petitioner being the wife of a Group-D
employee in a Government aided secondary school
has laid claim for sanction of family pension since
her husband suddenly went missing from 13th
December, 2014 from Nagpur railway station when
he was returning from Dadar to Howrah along with
his son. Surprisingly, son came back but the
employee went missing. Missing complaint was
lodged on 21st December, 2014 which is at page 29
of the writ petition.

In addition thereto, petitioner has placed
reliance on Government memo dated 12th February,
2004 in support of her contention that she is
entitled to receive family pension on compliance of
necessary formalities.

State respondents are represented by learned advocate who submits that necessary documents are required to be placed before the concerned State respondents for taking decision on the claim of the petitioner.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of granting leave to the petitioner to make a composite representation to the Commissioner of School Education, West Bengal being respondent no.2 enclosing copies of the relevant documents by fortnight from date.

If such representation is made within the aforesaid time the respondent no.2 shall take decision on entitlement of the petitioner to receive family pension by eight weeks thereafter, after granting opportunity of hearing to the petitioner or her representative.

A reasoned decision shall be taken by the Commissioner.

At the time of making deliberation before the Commissioner the petitioner shall be at leave to rely upon the relevant documents in support of her claim for release of family pension.

However, There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)