

WPA 11754 of 2021

**Rina Adhikari & Anr.
Vs.
State of West Bengal & Ors.**

**Mr. Prosenjit Mukherjee,
Mr. Jahangir Hossain.
... for the petitioners**

**Mr. Swapan Kumar Datta, ld. A.G.P.,
Mr. Tapas Kumar Mandal.
... for the State**

1. The petitioner is the handicapped brother of a retired school teacher. After death of the said retired school teacher on 31st May, 2018, the writ petitioner has made an application for grant of family pension.
2. Mr. Prosenjit Mukherjee, learned counsel appearing for the petitioners submits that the petitioner being the disabled brother of the pension holder teacher would be entitled to family pension in terms of the existing rules.
3. He has further stated that the petitioner has been all along dependent on the deceased pension holder teacher.
4. To this submission on behalf of the petitioner, the respondent has raised objections.
5. Mr. Swapan Kumar Datta, learned Additional Government Pleader for the State has suggested that in terms of the existing rules the writ petitioner being the brother of the pension holder teacher would not be entitled to the family pension after death of the said teacher.

6. Heard the submissions and perused the records, it appears that an application on behalf of the petitioner made by his wife under cover of the letter of learned counsel for the State dated 21st January, 2021 is still pending before the concerned respondent authority that is, District Inspector of Schools, Secondary Education, Hooghly.
7. This Court finds it proper to dispose of the present case by directing the said respondent/respondent no. 7 to consider and dispose of the said application dated 21st January, 2021 by dint of a reasoned order.
8. In doing so, the said respondent shall grant opportunity of hearing to the petitioners/his representative and pass its order within a period of four weeks from the date of communication of copy of this order.
9. Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
10. This writ petition being WPA No. 11754 of 2021 is disposed of, along with the pending applications, if any.
11. Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)