

12.06.2024
Court No.13
Item No.47
AP

WPA 13181 of 2024

Nirmal Bera and Ors.

Vs.

The State of West Bengal and Ors.

Ms. Sabita Khutia (Bhunya)

... for the Petitioners.

Mr. Ranjan Saha

Ms. Priyanka Jana

... for the State.

1. The petitioners are children of late Uma Shankar Bera, an Assistant Teacher of Kamdevpur Primary School, Shyampur South Circle under DPSC, Howrah. The petitioners' father retired from service on 24th September, 1977 and died on 3rd September, 2003.

2. Neither the father nor the mother of the petitioners had claimed or applied for pension. The petitioners now seek pension on the basis of a letter issued by the mother of the petitioners on 24th January, 2019. The mother died on 3rd June, 2019.

3. Having considered the facts of the case, this Court notes that neither the father nor the mother claimed pension during their effective lifetime. The mother claimed it few months before she died. Pension indeed not a bounty to the pensioner and those entitled to family pension. However, in the instant case the petitioner appear to make a windfall and a booty out of

a lawful claim that could have been used by their parents. This not the object of pension in service law.

4. This Court is, therefore, not inclined to allow arrears of pension to the petitioners since the same is aimed at primarily maintaining a retired teacher and his wife. Such persons are no longer living. In these circumstances, no relief can be granted to the petitioners.

5. Accordingly, the writ petition fails and hereby dismissed.

6. There shall be no order as to costs.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)