

17.05.2024
Court No.13
Item No. 233

WPA 13371 of 2024

Smt. Shefali Manna
Versus
The State of West Bengal & Ors.

Ms. Haritri Roy

...For the petitioner.

Ms. Lipika Chatterjee

Mr. Arindam Chattopadhyay

... For the State.

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

The petitioner is the widow daughter of late
Niranjan Kumar Maity, who was a Primary Teacher of
Katranka Primary School, District – Purba Medinipur.
He retired on 30.06.1988 and died on 22.11.1994. The
mother of the petitioner also died and husband of the
petitioner died on 10.08.2012. The petitioner applied
for family pension in terms of the Circular of the State
No. 96-SE dated 13th April, 2010 which remain
unconsidered.

In those circumstances, the concerned District
Inspector of Schools (P.E.) shall consider the
petitioner's representation which is appearing at page
22 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 paragraphs 18-19 of the decisions of the Three Judges Bench of this Court in MAT 1518 of 2019 dated 20th June, 2023. An unmarried/widow daughter of a person, who retired/died before 1981 shall also come within the purview of the circular dated 13th April, 2010.

The pension payment order issued in the name of employee vide Memo No.MID/S/P/02261 dated 25.01.1994.

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

The concerned Treasury Officer shall verify as to whether the petitioner is present in person along with

the documents of identity before making any disbursement as directed hereinabove. In the event the petitioner is not present, the matter shall be reported to the Registrar General of this Court for appropriate action.

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.)