

22.05.2024.
Court No. 13
Item No. 10
ap

W.P.A. No. 11934 of 2022
Alok Bhattacharjee
Versus
The State of West Bengal & Ors.

Mr. Asok Nath Ghosh,
Mr. Kinkar Chandra Basu.

...For the petitioner.

Mr. Amal Kumar Sen, ld. AGP,
Mr. Swapan Kumar Pal.

...For the State.

Mr. Akram Khan.

...For the private respondents.

1. In terms of the order of a Co-ordinate Bench of this Court dated 15th September, 2022, the other four daughters of Late Bhanupada Bhattacharjee, the original pensioner, have been added as party respondents. They are represented today before this Court.

2. A supplementary affidavit has been filed today annexing therewith an affidavits of no objection from the four sisters of the petitioners, Usha Bandopadhyay, the eldest daughter, who is now a widow, Jyotsna Mishra, Amiya Bhattacharjee, another widow, and Nilima Ganguli. The same is kept with the record.

3. The deceased employee, therefore, has two widowed daughters and the writ petitioner is the unmarried daughter. Both the widowed daughters Usha Bandopadhyay and Amiya Bhattacharjee along with

two married daughters have filed affidavits declaring that they have no objection to the writ petitioner's receiving family pension on account of the service of their late father, Bhanupada Bhattacharjee.

4. The writ petitioner shall, therefore, be entitled to issuance of Pension Payment Order and family pension.

5. What however still remains is a small discrepancy in the name of the mother of the petitioner in her death certificate. The mother was admittedly receiving family pension after the death of Bhanupada Bhattacharjee in the year 2000. The mother died in the year 2015. The discrepancy in the is spelling of her name "Sumoti". In the death certificate her name has recorded as "Sumoti". The service book and the Pension Payment Order indicate that "Sumati". There is also difference in the spelling of surname. It is spelt in two places in different ways i.e. "Bhattacharjee" and "Bhattacharyya".

6. The difference in spelling in both these names as well as surnames are common in this State and the country.

7. The audit objection of the Assistant Director, PPF & GPF, West Bengal dated 17th May, 2018 shall, therefore, be ignored by the Director of Pension, Provident Fund and Group Insurance, West Bengal.

8. Let Pension Payment Order be issued in favour of the petitioner within a period of six weeks from the date of receipt of a copy of this order.

9. The arrears of pension from the date after the death of the mother, i.e. 7th September, 2015 shall be released to the petitioner in her Bank Account within a period of one month of issuance of the Pension Payment Order. The particulars of the Bank Account of the writ petitioner are available at page 21 of the instant writ petition.

10. The petitioner shall comply with any other formalities that may be required by the Director of Pension, Provident Fund and Group Insurance, West Bengal which shall be communicated to her well in advance at her mobile number i.e. 9593123582.

11. With the aforesaid directions, the instant writ petition shall stand disposed of.

12. There will be no order as to costs.

13. Let a copy of the writ petition along with a copy of this order as also a copy of the supplementary affidavit and the report of the State be served on the Director of Pension, Provident Fund and Group Insurance, West Bengal for information and necessary compliance.

14. 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.)