

22.05.2024

Sl. No.316

Ct. No. 13

Sws.M

W.P.A. 14124 of 2024

Sulekha Maity

-Vs-

The State of West Bengal & Ors.

Ms. Bratati Pramanick

... for the petitioner

Affidavit of service filed in Court today be kept on record.

The petitioner is the unmarried daughter of Late Haripada Maity, who was a Primary Teacher of Jagannath Chak Primary School, District – Purba Medinipur. He died on 28.02.1972 during his service period, before superannuation. The mother of the petitioner died on 20.10.2011. The petitioner applied for family pension in terms of the Circular of the State No. 96-SE dated 13th April, 2010 which was rejected on 29.03.2022.

The right of an unmarried daughter to pension has been upheld by a Full Bench of this Court in MAT No. 1518 of 2019 (The State of West Bengal & Ors. – vs. – Sabita Roy).

Loada Mudasthi Primary School, District- Purba Medinipur shall therefore forward all the papers relating to the service of Late Haripada Maity to the District Inspector of Schools (P.E.) immediately.

In those circumstances, the concerned District Inspector of Schools (P.E.) shall consider

the petitioner's case in terms of the Judgment passed by this Hon'ble Court in MAT 1518 of 2019 within a period of four weeks from the date and sanction the family pension and shall forward the same to the DPPG immediately within a period of fifteen days thereafter.

The impugned order passed by the DPPG dated 29.03.2022 is hereby set-aside and quashed.

In this regard, the DPPG shall bear in mind the para 18-19 of the decisions of the Three Judges Bench of this Court in MAT 1518 of 2019 dated 20th June, 2023. An unmarried daughter of a person who retired before 1981 shall also come within the perview of the Circular dated 13th April, 2010.

The Pension Payment Order issued in the name of an employee in terms of G.O. No. 539-SE(P&B) dated 01.11.2010.

The petitioner shall be entitled to receive all arrears of family pension 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.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Rajasekhar Mantha, J.)