

49
13.09.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 14542 of 2024

**Himani Maity
-versus
The State of West Bengal & Ors.**

**Mr. Goutam Kumar Maity.
...For the Petitioner.**

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

None appears on behalf of the State respondents in spite of service.

The petitioner claims to be the widow daughter of a deceased primary school teacher. She seeks family pension. Her application seeking family pension is pending consideration before the District Inspector of Schools (P.E.), South 24-Parganas.

The petitioner relies on the judgment passed by the Hon'ble Special Bench on 20th June, 2023 in MAT 1518 of 2019 with IA No. CAN 2 of 2019 (State of West Bengal & Ors. -vs- Sabita Roy) wherein the Court held that the benefit of family pension can be extended to the widow daughter of an employee who superannuated or died prior to coming into force of the Death-cum-Retirement Benefit Scheme, 1981 with effect from 1st April, 1981.

In view of the judgment passed by the Hon'ble Special Bench, the instant writ petition is disposed of by directing the District Inspector of Schools (P.E.), South 24-Parganas to consider the prayer of the petitioner in the light of the judgment passed hereinabove and to take a decision in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

In the event the petitioner is found eligible to receive family pension, then necessary consequential steps shall be taken immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the representation made by the petitioner seeking family pension and a copy of the judgment of the Special Bench mentioned hereinabove to the aforesaid respondent at the time of communicating the order of the Court.

Notice served upon the learned advocate appearing on behalf of the State respondents be retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)