

27.09.2024
Court No.13
Item No.3
sp

CPAN 924 of 2024
In
WPA 4117 of 2019

Smt. Ashima Pramanik
Vs.
Sri Sukumar Pasari,
The District Inspector of Schools (P.E.), Nadia and Ors.

Mr. Chandan Dutta,
Mr. Goutam Malik,
Ms. Jonaki Khan

... For the Petitioner.

Mr. Bhaskar Prosad Vaisya
Mr. Niloy Baran Mondal

... For the alleged contemnor No.2.

Mr. Pinaki Bhattacharyya

... For the alleged contemnor Nos.1 & 3.

1. Mr. Bhaskar Prasad Vaisya, learned counsel for the alleged contemnor no. 2 has mentioned this matter seeking clarification of the order dated 20th September, 2024.

2. It appears that in paragraph no. 2 of the said order dated 20th September, 2024, a reference was made to an order dated 4th December, 2023 passed by a Co-ordinate bench of this Court in WPA 6042 of 2023. In the said order, the Co-ordinate bench had referred to a Circular of the School Education Department, Government of West Bengal dated 9th November, 2023 which enhanced the ceiling limit of the monthly family income from Rs. 3,500/- to Rs. 9,000/- per month to the dependants of a deceased employee. Only unmarried daughters are referred to in the said Circular.

3. In that view of the matter, in the 5th line of the 2nd paragraph of the first page of the order dated 20th September, 20024, the expression “widow daughters” shall stand deleted.

4. This Court is, however, of the view that the State Government has been directed to allow pension to dependants of their employees which included unmarried daughters and widowed daughters in terms of the judgment of a 3 Judge Special Bench dated 20th June, 2023 passed in MAT 1518 of 2019 (State of West Bengal Vs. Sabita Ray).

5. This Court is of the view that the writ petitioner being a widowed daughter would also be entitled to the benefit of the said Circular dated 9th November, 2023.

6. It is stated that the income of the said petitioner, who is a widowed daughter of the deceased employee is about Rs. 5,000/- per month. The SDO has certified as such.

7. In that view of the matter, the DPPG, West Bengal shall first take a decision as regards the entitlement to pension of the petitioner only given her income. Let a reasoned order be passed in that regard.

8. If the petitioner is found eligible let PPO be issued. Otherwise, a reasoned order may be communicated to the

petitioner within a period of one month from the date of communication of a copy of this order.

9. In view of the above, CPAN 924 of 2024 shall stand disposed of.

10. Rule, if any, shall stand discharged.

11. There shall be no order as to costs.

12. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)