

193(ML)
19.09.2024
kaushik
Ct. 18

W.P.A. 14075 of 2023

Sri Monoranjan Maity & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Amar Nath Sen
Mr. Malay Dhar
Mr. Amit Bikram Mahata
Mr. Shouvik Naskar

....for the petitioner.

Mr. Rajarshi Basu
Mr. S. T. Mina

....for the State.

Mr. P. Deb
Mr. P. Bose
Mr. A. Goswami

....for the respondent no. 8.

Ms. Koyeli Bhattacharyya
Mr. Bibek Datta

....for the WBBSE.

Writ petitioners are mother-in-law and father-in-law of respondent no. 8, whose husband died-in-harness on 8th April, 2018 while working as Assistant Teacher in a government aided secondary school. By presenting this writ petition, petitioners are claiming 50 per cent of the family pension, which their daughter-in-law is receiving due to untimely death of her husband. During course of hearing no statutory provisions have been shown which make the petitioners entitled to receive 50 per cent of the family pension which respondent no. 8 is receiving every month. From the report

filed by the District Inspector of Schools (S.E.), Murshidabad dated 7th August, 2024 it further appears that respondent no. 8 is mother of a boy of tender years and she has to look after her son.

In view of absence of any provisions which make the parents of deceased teacher entitled to receive a portion of family pension, the prayer made in the writ petition cannot be countenanced. It needs to be recorded that proportionate death gratuity and leave encashment benefits have already been paid to the petitioners as it has been submitted by the learned advocate representing the State respondents.

In view of aforesaid scenario, the writ petition stands dismissed.

However, there shall be no order as to costs.

The report of the District Inspector of Schools (S.E.), Murshidabad dated 7th August, 2024 is taken on record.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)