

Item No.57

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

01.08.2024
Ct-14
AGM

WPA 15908 of 2024

Kalpana Rani Mondal
vs.
The State of West Bengal & Ors.

Mr. Debabrata Karan.
Ms. Sabita Khutia.
Mr. Krishnapada Santra.
... for the petitioner.

Mr. Pranab Halder.
... For the State.

Mr. B. P. Vaisya.
Mr. Nilay Baran Mondal.
... For the DPSC Kolkata.

Affidavit-of-service filed today in Court be kept
with the records.

The petitioner is the widow of a deceased primary
schools teacher. She claims family pension. It appears
that the teacher was dismissed from service in the year
2005 and he expired in the year 2020. So long the
teacher was alive he did not approach any Court praying
for setting aside the order of dismissal.

After the teacher expired in the year 2020, the
instant writ petition has been filed by the widow in the
year 2024 seeking family pension.

No provision permitting grant of family pension to
a widow of a dismissed employee has been produced
before this Court.

The Court is of the opinion that the prayer sought for by the petitioner cannot be allowed as the teacher himself never questioned his dismissal; rather he accepted the same for nearly 15 years after his dismissal.

At the stage, the prayer of the petitioner for grant of family pension cannot be allowed.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)