

Item No.60

26.07.2024
Ct-14
AGM

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17091 of 2024

Binapani Mandi

v.

The State of West Bengal & Ors.

Mr. Md. Sarwar Jahan.

Mr Maidul Islam Kayal.

Mr. Kautav Roy.

... for the petitioner.

Mr. Sadhan Kumar Halder.

... for the State.

The petitioner is an unmarried daughter of a deceased primary school teacher. The school teacher, on retirement, was allowed pension. After his death family pension was enjoyed by his widow. The mother of the petitioner, i.e. the widow of the deceased employee, expired on 4th August, 2023.

The petitioner applied for obtaining family pension.

The District Inspector of Schools (Primary Education) Purba Bardhaman requested the Sub Inspector of Schools to recast the service book of the deceased employee for processing the family pension case in favour of the petitioner. For the purpose of recasting the service book, the Sub Inspector of Schools has sought for the following documents from the petitioner;

1. First Appointment letter & all the order if take any transfer.
2. All the joining reports.

3. All the Leave sanction papers.
4. All the option & fixation papers.
5. All the educational testimonials.
6. All the professional qualification mark Sheet & Certificate.
7. PPO of Lt. Iswar Chandra Santal (Mandi)."

Learned advocate for the petitioner submits that the petitioner does not have the documents as sought for and all documents are available on record.

On a perusal of the communication made by the Sub Inspector of Schools on 9th April, 2024 it appears that the documents which have been sought for must be in the records of the authority. The employee concerned was enjoying his pension and after his death family pension was disbursed in favour of his widow. The same implies that the department concerned has all the necessary papers for processing the unmarried daughter pension case of the petitioner. The petitioner is only required to provide the death certificate of her mother.

The District Inspector of Schools (Primary Education) Purba Bardhaman is, accordingly, directed to take prompt necessary steps for processing the family pension case of the petitioner in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

If the petitioner is found eligible to receive unmarried daughter family pension, then steps shall be taken to ensure that family pension is disbursed in her favour positively within a period of two months thereafter.

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.)