

02 29.07.2024
rkd Ct.18

W.P.A. 17967 of 2024

Asim Kumar Das

-vs-

The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyaya,

....for the petitioner.

Mr. Debnarayan Banerjee,

Mr. Biswanath Samanta

....for the State.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

The learned advocate representing the petitioner claims family pension in view of his father's death since petitioner is specially abled person.

It is submitted that the father of the petitioner was an Assistant Teacher in a Government aided school who retired on 31st January, 1989 and died on 22nd February, 2007. Father of the petitioner was in receipt of pension in terms of pension payment order dated 25th May, 1994. Mother of the petitioner pre-deceased father on 17th January, 2007. Petitioner claims family pension along with arrear benefits after the death of his father being a specially abled person.

Reliance is placed upon a Government

Order being No. 10-SE(B)/0/1M-131/2008 (Part-I) dated 13th January, 2009 which has made a specially abled person being the son of a deceased teacher who was in receipt of pension to receive family pension.

State respondents are represented by learned advocate who submits that the issue may be relegated to the appropriate authorities in the Education Department for taking decision.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the Commissioner of School Education, West Bengal being respondent no.2 to consider the representation of the petitioner dated 6th December, 2023 on his claim for family pension and pass a reasoned order by eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative.

While taking decision the respondent no.2 shall rely upon the relevant Government Orders relating to release of family pension in favour of the specially abled child of deceased teacher as well as the Memorandum dated 13th January, 2009 issued by the OSD and *Ex-Officio* Joint Secretary, Government of West Bengal, School Education.

The decision to be taken by the respondent no.2 shall be communicated to the petitioner by one week thereafter.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)