

05.03.2024
Sl. No.151
Suman
Ct.No.238.

WPA 18301 of 2021
With
CAN 1 of 2024
With
CAN 2 of 2024

Smt. Saswati Masat
Vs.
The Director of Public Instruction (DPI) and
Ors.

Mr. Ragunath Chakraborty
Ms. Sabnam Sultana
Ms. Amrita De
..for the petitioner

Mr. Nilotpal Chatterjee
Mr. Satyaki Banerjee
..for the university

Mr. Swapan Kumar Datta, AGP
Mr. Tapas Kumar Mondal
..for the State

In Re: CAN 1 of 2024

This is an application for restoration.

Having regard to the averments made in this restoration application, I am of the view that the petitioner has sufficiently explained the reason for his non-appearance before this Court on February 16, 2022.

Accordingly, CAN 1 of 2024 stands allowed and WPA 18301 of 2021 is restored to its original file and number.

In Re:- **WPA 18301 of 2021**

The petitioner being a divorcee daughter of a deceased Selection Grade Lecturer at Purash Kanpur Haridas Nandy Mahavidyalaya at Howrah, seeks family pension. After the death of the employee, mother of the petitioner used to get family pension. The mother also died in the year 2022.

The Higher Education Department, Government of West Bengal by Memo No. 50-Edn(CS) 17013(99)/3/2023 dated January 25, 2024 has extended the provision of family pension to a divorcee daughter beyond the age of 25 years.

The relevant part of the notification is quoted below:-

“AND WHEREAS the benefit of family pension has been extended in favour of unmarried/divorced/widowed daughter beyond the age of 25 years of a deceased Government employee under West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971.

NOW THEREFORE, the Governor has been pleased to extend the benefit of family pension to the unmarried/divorced/widowed daughter beyond the age of 25 years of a deceased employee (teaching and non-teaching) of Government aided Colleges falling under the purview of the West Bengal Non-Government College

Teachers' (Death Cum Retirement Benefit) scheme issued Vide No.1097-Edn.(CS) dated 31.05.1978 and the West Bengal Non-Government College Employees and Day Students' Home Employees (Death Cum Retirement Benefit) Scheme issued vide No.-1955-Edn (CS) dated 23.12.1981."

It appears that the petitioner has made a representation before the Director of Public Instructions, West Bengal on February 22, 2024.

Accordingly, this writ petition is disposed of with a direction upon the Director of Public Instructions, West Bengal to consider the prayer of the petitioner in the light of the aforesaid Memo dated January 25, 2024 within a period of two months from the date of communication of this order.

Accordingly, **WPA 18301 of 2021** is disposed of.

Consequently, **CAN 2 of 2024** is also disposed of.

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

(Kausik Chanda, J.)