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05.08.2024
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 19250 of 2024

**Kumkum Sutradhar
-versus
The State of West Bengal & Ors.**

**Mr. Srikant Dutta,
Mr. Prodyut Kumar Roy.
...For the Petitioner.**

**Mr. Dinendranath Chatterjee,
Ms. Dipannita Laha.
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner is the widow daughter of a deceased Primary School Teacher. She claims family pension. Her prayer has been rejected by the Assistant Director, Pension Provident Fund and Group Insurance with the observation that in terms of the G.O. No.539-SE(P & B)/SL-SS-61/10(Pt) dated 1st November, 2010, the petitioner is not eligible to get family pension. The Pension Sanctioning Authority i.e. the District Inspector of Schools (P.E.), Murshidabad was requested to resubmit the pension file of the petitioner for family pension with supporting Government Order.

The petitioner submits that she is entitled to receive family pension in terms of the Government Order No.96-SE(B)/1M-112/2008 dated 13th April, 2010.

The Larger Bench of this Court vide judgment dated 20th June, 2023 passed in MAT 1518 of 2019, IA No. CAN 2 of 2019 (Old No. CAN 10437 of 2019) categorically held that on the demise of the staff, their widows will be entitled to get family pension in terms of the modified provision of the scheme of 1981 vide Memorandum dated 1st November, 2010.

In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (P.E.), Murshidabad to resubmit the pension file of the petitioner with the supporting Government Order and the order passed by the Larger Bench of this Court before the Director, Directorate of Pension Provident Fund and Group Insurance at the earliest but positively within a period of three weeks from the date of communication of this order.

The Director, Directorate of Pension Provident Fund and Group Insurance is directed to take steps in terms of the law laid down by the Larger Bench of this Court at the earliest.

If the petitioner is found eligible to receive pension, then necessary steps shall be taken within a period of six weeks from the date of taking a decision in the matter.

Learned advocate appearing on behalf of the petitioner is directed to forward copy of the order passed by the Larger Bench on 20th June, 2023 and the Government Order No.96-SE(B)/1M-112/2008 dated 13th April, 2010 to the aforesaid respondent at the time of communicating the order of the Court.

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.)