

Court No. 18
(265704)

13.11.2024

(A 103)

(S. Banerjee)

WPA 19488 of 2023

Raseda Bibi

Vs.

State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Nirmalya Das
Mr. Saptarshi Chakraborty
Ms. Monisa Mandal

...for the petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...for the State

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

Petitioner is an unfortunate mother who has lost
her son who was an Assistant Teacher in a government
aided High Madrasah. Before completing one year
approved service, son of the petitioner died which
prompted the petitioner to come up with the present
writ petition praying for settlement of family pension in
her favour.

Learned advocate representing the State-
respondents has opposed the prayer of the petitioner on
the ground that there is no such provision in Death-
cum-Retirement Benefit Scheme of 1981 to settle family
pension in the event teacher did not serve one year or
more.

However, learned advocate representing the petitioner, during course of hearing, has relied upon a judgment of a coordinate Bench dated 28th June, 2016, reported in (2017) 1 Cal LJ 631 (Rani Kisku -Vs.- State of West Bengal & Ors.). It is contended on behalf of the petitioner that the issue has been decided by the coordinate Bench to the extent that family pension in a case where teacher was unable to put in one year service, can be allowed on condonation of shortfall in qualifying service of one year.

Having considered the respective submissions made on behalf of the parties, the writ petition stands disposed of granting leave to the petitioner to make a representation to the Principal Secretary, School Education Department, Government of West Bengal, being respondent no. 1, by fortnight from date claiming family pension. If representation is made within the aforesaid time, respondent no. 1 shall pass a reasoned order by 12 weeks from the date of receipt of such representation after granting opportunity of hearing to the petitioner or her representative. At the time of considering prayer of the petitioner, respondent no. 1 shall also take into consideration the ratio of Rani Kisku (*Supra*).

The decision to be taken by respondent no. 1, shall be communicated to the petitioner by two weeks thereafter.

There shall be no order as to costs.

Urgent photostat certified copies, if applied for, be issued to the parties on compliance of requisite formalities.

(Saugata Bhattacharyya, J.)