

05 06.09.2024
rkd Ct.18

W.P.A. 22142 of 2024

Swapan Kumar Mandal

-vs-

The State of West Bengal & Ors.

Mr. Goutam Kumar Maity

....for the petitioner.

Md. Ahsanuzzaman,

Mr. Tarak Nath Sarkar

....for the State.

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

By presenting this writ petition, *inter alia*, petitioner has prayed for sanction of family pension claiming to be differently abled son of a deceased retired teacher of a Government aided secondary school.

The disability certificate of the petitioner is at page 17 of the writ petition dated 9th December, 2016. Based on such disability certificate it has been submitted by the learned advocate representing the petitioner that he is suffering from 90% disability of speech and hearing loss which is congenital disability.

It is further contended that an application was made by the petitioner to the school authority of Manasadwip R.K. Mission High School, District-South 24 Parganas after the death of his father on

21st June, 2021 claiming family pension being differently abled son of a deceased teacher who was in receipt of pension from the date following the date of his retirement till the date of death on 21st June, 2021.

In support of the prayer of the petitioner for sanction of family pension legal heir certificate issued by the Collector, South 24 Parganas, Alipore is also annexed at page 19 of the writ petition. Petitioner prays for necessary direction upon the pension sanctioning authority for release of family pension based on Government Circular dated 5th September, 2005 being No. 325-SE(B).

State respondents are represented by learned advocate who has drawn attention of this Court to the memo dated 14th June, 2024 issued by the District Inspector of Schools (SE), South 24 Parganas being respondent no.3 addressed to the Headmaster of the school where petitioner's father was working whereby the respondent no.3 has requested the school authority to forward certain documents for taking necessary steps.

It is contended on behalf of the State respondents that unless these documents are forwarded to the office of the respondent no.3, the said respondent no.3 would find it difficult to take

decision on the entitlement of the petitioner to receive family pension.

Having considered the submissions made on behalf of the respective parties, this Court finds that disability certificate and legal heir certificate are already annexed at pages 17 and 19 of the writ petition. The same need to be considered by the respondent no.3 on production of the original of these two documents by the petitioner.

Duly attested photo and signature and income certificate can also be submitted by the petitioner. However, copy of service book which has been sought for by the respondent no.3 by memo dated 14th June, 2024 from the school authority where petitioner's father was working needs to be supplied by the said school authority.

Today in spite of service of notice school authority is not represented.

Therefore, the respondent no.3 is directed to call the Headmaster of Manasadwip R.K. Mission High School, District- South 24 Parganas by fortnight from the date of communication of this order for supply of copy of service book and on receipt of notice from the respondent no.3, the aforesaid school authority shall submit the copy of service book before the respondent no.3 and extend

all necessary assistance which would facilitate the respondent no.3 to take decision on entitlement of the petitioner to receive family pension.

A reasoned decision to be taken by the respondent no.3 on receiving those documents as indicated in memo dated 14th June, 2024 either from the petitioner or the aforesaid school authority by eight weeks from the date of communication of this order.

The decision to be taken by the respondent no.3 shall be communicated to the petitioner and the school authority by one week thereafter.

The respondent no.3 while taking decision shall rely upon the Government Circular dated 5th September, 2005 being No.325-SE(B).

If respondent no.3 decides that the petitioner is entitled to receive family pension consequential steps shall be taken for release of benefits within four weeks thereafter.

The writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)