

09.02.2024
Court No.13
Item No. 53
pk

WPA 21553 of 2023
Tapati Manna
Vs.
State of West Bengal and others

Mr. Sakti Pada Jana

... for the petitioner.

Mr. Bibekananda Tripathy,
Mr. Kaustav Chatterjee

... for the State

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is the widowed daughter of one Bijoy Krishna Bera, who was an Assistant Teacher of a Primary School and died on 19th December, 1980. After his death, his widow, the mother of the petitioner enjoyed family pension up to 29th December, 2016 when she died.
3. In terms of the Circular dated 13th April, 2010, the petitioner is entitled to continue family pension after the death of her mother.
4. A larger bench of this Court in the case of **State of West Bengal and others Vs. Sabita Roy in MAT 1518 of 2019** has decided that widowed and unmarried daughters shall also be entitled to family pension after the death of an employee and his/her widow.
5. Counsel for the State submits that the decision of the Larger Bench may not be applicable in the instant case and the State is actively considering the petitioner's application for that point of view. He opposes the perpetual continuation of pension to the family members of the deceased teacher.

6. It is further submitted that the teacher died prior to 1981.
7. Having heard the learned counsel for the parties and having considered the facts and circumstances of the case, this Court is of the view that in view of a decision in the case of **Sabita Roy (supra)** as also the Circular of the Finance Department dated 13.04.2010 and the latest Circular of the Finance Department, the petitioner/widowed daughter of the deceased employee is entitled to pension on account of death of her late mother.
8. Let fresh Pension Payment Order (PPO) be issued in the name of the petitioner by the D.P.P.G. after receiving file from the concerned D. I. of Schools (P.E.), Purba Medinipur. The petitioner shall submit all documents and testimonials before the D. I. of Schools (P.E.), Purba Medinipur for further proceedings at his end.
9. It is expected that the D. I. of Schools (P.E.), Purba Medinipur shall take a decision in this matter within three weeks. The D.P.P.G. shall issue modified P.P.O. in favour of the petitioner within 15 days thereafter.
10. The writ petition is disposed of.
11. There will be no order as to costs.
12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

