

WPA 21814 of 2023

**Sandhya Debnath
Vs.
The State of West Bengal & Ors.**

Mr. Dilip Kumar Maiti ... For the Petitioner.

**Mr. Anwar Mondal
Ms. S. Bala ... For the State.**

This is the second round of litigation by and between the parties. By an earlier order, passed by a Coordinate Bench dated 19th April, 2023, the Director of Pension, Provident Fund Group Insurance being the respondent no.3 was directed to issue necessary orders pertaining to the claim of the petitioner.

It is alleged that the petitioner is a divorced daughter of the deceased employee and the sole dependent family member. The other sisters of the petitioner are married and her brothers are adults.

The father of the petitioner died on 2nd December, 2017.

s.d. It is submitted that the claim for pension on account of the deceased father has been rejected by the respondent authorities on the ground that the divorced daughter is not entitled to pensionary benefits as a family

member.

As such, the claim of the petitioner as a divorced daughter has been rejected by the impugned order.

It is contended on behalf of the petitioner that the discrimination in favour of the petitioner is wholly without any basis. In case of the State Government employees, divorced daughters are entitled to pension whereas since the petitioner's father was an employee of the Panchayat, the petitioner has been denied of such pension. There appears to be no rational and nor logical basis for this differentiation and discrimination vis-a- vis the petitioner.

Admittedly, there are no other rival claims insofar as the pension of the deceased father is concerned. The petitioner being a divorced daughter cannot be discriminated against in such manner. The impugned order proceeds on the basis as if the divorced daughter is not included in the definition of "family" under DCRB Scheme, 1985 for payment of family pension.

This issue needs reconsideration and ought to be looked afresh by the respondent authorities.

In view of the above, the impugned order dated 15th June, 2023 is set aside.

The matter is remanded back to the Director Pension Provident Fund & Group Insurances,

Government of West Bengal to reconsider the same afresh in accordance with law.

The State Authorities are also directed to reconsider the impugned Notification whereby the divorced daughters have been excluded from the definition of family.

In view of the above direction, WPA 21814 of 2023 stands disposed of.

The above exercise is to be completed within a period of four weeks from the date of passing of this order.

(Ravi Krishan Kapur, J.)