

W.P.A. 23976 of 2024

**Shyamali Maity
Vs.
The State of West Bengal & Ors.**

Mr. Surendra Kumar Sharma

...for the Petitioner

Mr. Sudipto Panda
Ms. Ananya Neogi

...for the State

Mr. Suman Basu

...for the Respondent No.8

Report has been filed in terms of the order dated 25th September, 2024 on behalf of the State respondents and same is taken on record.

The query of this court was why the petitioner being unmarried daughter with disability of a deceased teacher will not get family pension from the date following the death of her mother on 24th February, 2013 in consideration of the fact that family pension should be accorded to the petitioner from 9th November, 2023 instead of 25th February, 2013 as submitted on behalf of State respondents.

From the report, it appears that applying previous memorandum applicable in case of sanction of family pension in favour of unmarried daughters of deceased teachers it is found that if monthly income of the unmarried daughter is more than Rs.3500 in that event, said unmarried daughter is not entitled to receive

family pension. In this regard notice has been drawn to one income certificate dated 4th August, 2023 issued by the Block Development Officer, Kolaghat, Purba Medinipur wherefrom it appears that at the material point of time yearly income of the petitioner was Rs.60000 which indicates that monthly income of the petitioner was Rs.5000 which was more than Rs.3500. Subsequently, on issuing memorandum dated 9th November, 2023, Deputy Secretary, Government of West Bengal School Education Department enhanced the limit of monthly income from Rs.3500 to Rs.9000 in matter of settling family pension in favour of unmarried daughter of deceased teachers. On applying such memorandum dated 9th November, 2023 subsequently it was found by the State respondents that even if petitioner's monthly income is Rs.5000 per month, she is entitled to receive family pension from the date of the said memorandum dated 9th November, 2023.

In order to substantiate the case of the petitioner reliance is placed on an income certificate dated 30th May, 2024 wherein it is certified that monthly income of the petitioner was reduced to Rs.1000. However, such income certificate dated 30th May, 2024 is silent with regard to monthly income of the petitioner during the period from the month of February, 2013 till November, 2023.

In consideration of the respective submissions made on behalf of the parties this court finds no anomaly in granting family pension in favour of the petitioner not from 25th February, 2013 being the date following the death of the mother of the petitioner but from 9th November, 2023.

However, on perusing the pension payment order which is annexed to the report it transpires that such order was issued on 19th April, 2024 thereby granting family pension in favour of the petitioner on and from 19th April, 2024 which requires clarification since it is the stand of the State respondents that entitlement of the petitioner to receive family pension accrued on the strength of Government memo dated 9th November, 2023 by which income limit was enhanced from Rs.3500 to Rs.9000, petitioner is entitled to receive family pension from 9th November, 2023 and not from any subsequent date.

Concerned State respondents are directed to issue revised pension payment order by fortnight from the date of communication of this order thereby sanctioning family pension with effect from 9th November, 2023.

With the aforesaid observations and direction, writ petition stands disposed of.

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.)