

13 02.12.2024
rkd Ct.18

W.P.A. 25433 of 2024

Suprity Samaddar

-vs-

State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya

....for the petitioner.

Ms. Noelle Banerjee,
Mr. Shibasish Banerjee

....for the State.

Matter relates to sanction of family pension in favour of the petitioner who is widow daughter of the retired teacher who superannuated on 30th April, 1999. After superannuation father of the petitioner was in receipt of pension and father died on 19th January, 2016. Subsequently, mother was receiving family pension after the death of petitioner's father and mother died on 19th April, 2018.

It is submitted by the learned advocate representing the petitioner that being widow daughter petitioner is entitled to receive family pension after the death of her mother.

It is submitted by the State respondents that apart from petitioner there are three heirs of the deceased teacher, two daughters and one son. It is also pointed out that out of other two daughters one is unmarried who is entitled to receive family pension.

Such submission is disputed by the learned advocate representing the petitioner on the count that said unmarried daughter is economically independent.

In this regard, attention of this Court has been drawn to legal heir certificate dated 2nd April, 2024 issued by the Collector, Purba Bardhaman which is at page 12 of the writ petition.

Since there are altogether four heirs after demise of their mother on 19th April, 2018, leave is granted to the petitioner to make an application to the District Inspector of Schools (SE), Purba Burdwan seeking sanction of family pension in favour of the petitioner being widow daughter.

Such application shall be made before the District Inspector of Schools (SE), Purba Burdwan being respondent no.2 by fortnight from date.

On receipt of such application respondent no.2 shall decide entitlement of the petitioner to receive family pension in accordance with law within a period of eight weeks thereafter.

Respondent no.2 shall be at liberty to complete all formalities for settling family pension case of the petitioner. If it is ultimately decided that petitioner is entitled to receive family pension appropriate order shall be passed and consequential steps shall be taken for release of family pension in favour of the petitioner.

In any event, the decision to be taken by respondent no.2 shall be communicated to the petitioner by two weeks thereafter.

With the aforesaid direction the 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.)